

ENGLAND UNDER HENRY III

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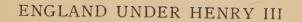
England under Henry III

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ENGLAND UNDER HENRY III

ILLUSTRATED FROM CONTEMPORARY SOURCES

BY

MARGARET A. HENNINGS, M.A.

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A BRIEF ACCOUNT OF SOURCES.1

THE original material from which our information as to Henry III.'s reign can be drawn falls into the usual mediæval categories of chronicles, or contemporary narratives of the events of the time, and records, or documents which formed part of some contemporary transaction and were preserved for official reference. Although record material is as a whole more objective and authoritative than the literary work of the chroniclers, yet Henry III.'s time is marked by such admirable examples of the best type of mediæval historical writing that we may pay the chronicles the compliment of placing them first in this brief account.

I. CHRONICLES.

Nearly all the chronicles of Henry III.'s time were written in monasteries, and especially in houses of Benedictine or Black Monks. Of these the greatest, and the most active in historical writing, was the Abbey of St. Albans, from which there came a long series of important chronicles, although it has now been conclusively proved that there was not, as used to be thought, a special "historiographer" regularly appointed there to act as the abbey's official historian. Three St. Albans historians deal with the reign of Henry III.—Roger of Wendover, Matthew Paris, and William Rishanger. Wendover's Chronicle entitled Flores Historiarum* (Eng. Hist. Soc., 4 vols., 1841-1842, the edition used here, and R.S., 2 3 vols., 1886-1889) begins at the Creation, and its earlier portions are revisions of some older compilation which the abbey possessed, made partly by Wendover himself and partly by his abbot John de Cella, but probably at least from 1189 down to 1234, soon after which

 $^{^{\}rm 1}\,\mbox{Chronicles}$ or records from which extracts appear in this volume are marked with an asterisk.

² Rolls Series.

he died, the history is Wendover's original work, relating events which occurred in his own lifetime.1 His great successor, Matthew Paris, in his Chronica Majora* (R.S., 7 vols., 1872-1884) used Wendover's work, often word for word, sometimes with embellishments, up to 1235, and carried on the tale in wonderfully vivid and picturesque fashion to 1253. He then paused awhile to make an abridgement of what he had written, calling it Historia Anglorum * or Historia Minor (R.S., 3 vols., 1866-1869), but afterwards completed the Chronica Majora up to the eve of his own death in 1259. Rishanger is a more shadowy figure and a duller historian than either Wendover or Paris. He became a monk at St. Albans at the very end of Henry III.'s reign, and probably wrote the portion from 1259-1272 in a work printed as Willelmi Rishanger et Anonymorum Chronica et Annales* (R.S., 1865), and also a Narratio de Bellis apud Lewes et Evesham * (Camden Soc., 1840), full of useful detail about the Barons' Wars. Among other monastic historians of the reign may be noted Ralph of Coggeshall, who was abbot of the Cistercian house of that name from 1207 to 1218, and whose Chronicon Anglicanum * (R.S., 1875) is valuable for events during Henry III.'s minority; Robert of Gloucester * (R.S., 2 vols., 1887), who was probably a Benedictine monk at St. Peter's Abbey, and wrote, about 1300, a history in rhyme; Thomas of Eccleston, a Franciscan friar, the author of the De Adventu Fratrum Minorum in Angliam * (R.S. in Monumenta Franciscana, vol. i., 1858, or another edition by A. G. Little, Paris, 1909, used here); and Thomas Wykes, who was an Augustinian canon of the house at Osney, Oxford, and wrote a chronicle (R.S. in Annales Monastici, vol. iv., 1869) which took the king's side when describing the Barons' Wars, though the chronicle of his priory, the Annales de Oseneia (R.S., op. cit.) took the more usual baronial view. Anonymous monastic chronicles include the annals of the Benedictine abbey at Burton * and of the Augustinian priory at Dunstable,* both

¹ For the most recent and authoritative views on these questions see *The Monastic Chronicler and the Early School of St. Albans* by Prof. Claude Jenkins (S.P.C.K., 1922).

printed among Annales Monastici (R.S., 5 vols., 1864-1869); a chronicle from St. Martin's priory, Dover, used as the continuation of a work by Gervase of Canterbury * (R.S., vol. ii., 1880); and a work by an Augustinian canon of Barnwell, Cambridgeshire, included in the Memoriale Fratris Willelmi de Coventria* (R.S., 2 vols., 1872-1873). The affairs of Scotland and the North are illustrated in the Chronica de Mailros* (ed. Stevenson, Bannatyne Club, 1835), written by a monk of the Cistercian abbey of Meliose, and Welsh affairs in the Annales Cambria (R S., 1860). One great exception to the rule that the chronicles come from monasteries is the Liber de Antiquis Legibus* (Camden Soc., 1846), which contains a history both of London and of the kingdom, probably written about 1274, by Arnold Fitz-Thedmar, a London alderman. An important source for the days when William Marshal, earl of Pembroke, was rector regis et regni, is the French rhyming chronicle entitled Histoire de Guillaume le Maréchal (Soc. de l'Hist. de France, 3 vols., 1891-1901), written by a minstrel of the younger Marshal from material given him by a favourite squire of the elder. For a complete list of all the chronicle material available for the reign the reader may be advised to consult the Sources and Literature of English History by Dr. Charles Gross (2nd ed., 1915), and especially the regnal table of chroniclers which he gives on p. 330.

Literary sources other than historical could not be largely represented in the present volume, but an extract is included from Wright's Political Songs of England* (Camden Soc., 1839). This contains also the valuable Song of Lewes (also published separately by Mr. C. L. Kingsford, 1890). "The passion for speculative truth" which characterised some minds of the thirteenth century is illustrated by a selection from the Opus Tertium* of Roger Bacon (Brit. Soc. of Franciscan Studies, 1912).

II. RECORDS.

The period is rich in many kinds of official records, of which only the most important can be noted here. A general idea of their scope may be had from Scargill-Bird's Guide to the Public

Records (3rd ed., 1908), or, in clear short summary, in Mr. Charles Johnson's The Public Record Office (S.P.C.K. Helps for Students of History, 1918). List Q, Record Publications, issued by H.M. Stationery Office, shows what documents have been officially printed either in full or as "calendars," i.e. briefly summarised in English. High in importance amongst such public records comes the magnificent series of enrolments kept for reference by the royal Chancery, that great department for drafting, writing, sealing, and filing royal writs and instructions, whose head the Chancellor was, in Stubbs' phrase, "in a manner the secretary of state for all departments." The Charter Rolls recorded the most formal documents issued from the Chancery, including foundations, grants of land, liberties, markets, fairs, and so forth. From 1227 to the end of Henry III.'s reign these have been calendared in two volumes. The Patent Rolls* registered public "patent" letters addressed to "all to whom these presents shall come," and dealing with all kinds of business. The Latin text has been printed in full from 1216-1232 (2 vols.) and calendared for the rest of the reign (4 vols.). Letters close, registered on the Close Rolls,* were usually addressed to individuals by name, but contain matter quite as important as that in the letters patent. The Record Commission printed the full text to 1227 (2 vols.), and the Record Office series has carried it on to 1251 (6 vols.). After 1226 the Chancery relieved the pressure on the Close Roll by registering separately in Liberate Rolls * any letters close which gave orders to the Exchequer to pay out money for work performed or make allowance to accountants for expenses incurred; much light on buildings, jewellery, dress, and social life in general is thrown by such writs. There is a calendar (1 vol.) of these rolls from 1226 to 1240. It was not till Edward I.'s time that separate rolls for statutes were started, so that Henry III.'s legislation has to be sought in the Patent or Close Rolls. Another set, the Fine Rolls, registered the fines or payments made in return for grants, licences, pardons, and the like. Extracts from these, 1216-1272, were printed by the Record Commission (2 vols., 1835 and 1836). The Chancery also kept files of the returns made by jurors to inquisitions post mortem, or enquiries held as to the land and heirs of dead tenants-in-chief; inquisitions ad quod damnum, or enquiries made as to what the consequence would be if the king granted a fair, a market, or the like; and various miscellaneous * inquisitions. These are full of vivid and entertaining information. There is a calendar for the post mortem inquisitions and for the miscellaneous inquisitions of Henry III.'s time, but only a descriptive list of the inquisitions ad quod damnum. These supplement, or supersede, older calendars issued by the Record Commission (1806-1828 and 1865).

Rich, little explored, and still less printed sources are the enrolments made by the Exchequer, the great financial department which rivalled the Chancery in importance. The Exchequer's noblest record is the Great Annual Roll, usually called the Pipe Roll, a huge document written on large skins stitched one behind the other, and containing the final summaries of the accounts presented by the sheriffs and other crown officials every year. The series is thus full of information as to the revenue of the Crown and the personnel of its officials. One pipe roll (1241-1242) has been printed for this reign (ed. Cannon, Yale Univ. Press, 1918). Among other Exchequer records were the Issue Rolls, registering writs for outgoings, the Receipt Rolls for incomings, and the Memoranda Rolls, on which officers called the Lord Treasurer's Remembrancer and the King's Remembrancer kept records of the most varied transactions.

Both Chancery and Exchequer, besides enrolling documents issued by themselves, preserved originals of outgoing and incoming documents of one sort and another. To this custom we owe a mass of contemporary correspondence, utilised, together with enrolments, in the collection by Shirley entitled Royal Letters of Henry III. * (R.S., 2 vols., 1862 and 1866). The title is misleading, for besides Henry's own letters there are included correspondence from members of his family, from the pope, from foreign rulers, and from ecclesiastical and other magnates. Since Shirley's day the Public Record Office has

re-classified these originals as Ancient Correspondence, and where such letters are quoted in the present volume the new manuscript reference has been added as well as the number of the printed letter. In the Exchequer there accumulated a great store of original accounts and documents connected with them brought by officials when they came to present their accounts. Among these the accounts relating to the Wardrobe and Household of the king and the royal family are particularly important, for the distinction between what was state and what was domestic business had not yet been drawn, and matters of national importance were just as likely to appear on the records of these domestic secretarial and financial departments as on those of the more public offices called Chancery and Exchequer. A specimen for the years 1224-1227 has been printed by Prof. Tout in Chapters of Mediæval Administrative History, i., 233-238. These wardrobe accounts strayed widely, and many are no longer in the Public Record Office, but are to be found in other libraries or in private custody.

Of material less directly relevant to the main sweep of England's political history than the records of the government departments space permits little to be said here. Such material includes judicial records such as the rolls of the Curia Regis, not divided into Common Pleas and Pleas of King's Bench till after Henry III.'s time; Assize Rolls,* that is the records of itinerant justices or special commissions; and records of local courts, such as those published in Maitland's Court Baron* or Select Pleas in Manorial Courts (Selden Soc., 1890 and 1888). Among ecclesiastical records, bishops' registers * contain much that is of general interest in the record of the bishops' own business, besides copies of important documents which the bishops received. Fowler's Episcopal Registers (S.P.C.K., 1918) shows exactly what registers are in print for Henry III.'s reign, among them the earliest archbishop's register extant, that of Walter Gray, archbishop of York from 1215 to 1255. In this connection may be noted Roberti Grosseteste Epistolæ* (R.S., 1861) and the Epistolæ Adæ de Marisco * (R.S. in Monumenta Franciscana, vol. i., 1858), and also the selection of extracts relevant to England made from the Papal registers in the Calendar of Papal Letters (vol. i., 1894). The nature of town records is too scattered to make it possible to enumerate them here, but the standard work of reference is Gross, A Bibliography of British Municipal History (1897), a book that stimulated local record societies to increased activity in publication.

Among general historical collections drawn from archives should be mentioned, as rich quarries, Thomas Rymer's Fædera* (Record Commission Edition, vol. i., pt. i., 1816); Statutes of the Realm (vol. i.); Wilkins' Concilia (1737); and Stubbs' Select Charters* (9th edition, 1913). Hardy's Syllabus of Documents in Rymer's Fædera (R.S., vol. i., 1869) gives a brief note in English of the contents of every document, and is an easy means of rapid reference to the larger work.

PREFATORY NOTE.

The editor wishes to express her gratitude to Miss H. M. Cam, Girton College, Cambridge, for furnishing her with transcripts of the extracts printed on pp. 93 and 189. Her warmest thanks are due to Prof. Hilda Johnstone for many suggestions made, especially in regard to the Educational and Social and Economic Sections, and for generous personal help and kindness, to which the book owes far more than can be acknowledged.

The originals of the majority of the extracts are in Latin; where an extract is in French or English, the fact has been noted in its heading. The editor has to thank Dr. W. H. Hutton, the treasurer of the Selden Society, and the controller of H.M. Stationery Office, for permission to use translations quoted in extracts on pp. 127, 130, 139; 193; 205. For all other translations the editor is responsible.



BOOK I. POLITICAL.

1.

[The nine-year-old Henry III. is crowned and takes an oath of allegiance to the Papacy, 28 October, 1216. Matthew Paris, *Chron. Maj.* (R.S.), iii., pp. 1-2.]

Now that John king of England was dead, there came together at Gloucester on the vigil of the Apostles Simon and Jude in the presence of Gualo, the legate of the apostolic see, Peter bishop of Winchester, Jocelin bishop of Bath, Silvester bishop of Worcester, Randulf earl of Chester, William Marshal earl of Pembroke, William earl of Ferrers, John Marshal, Philip d'Aubigny, with abbots, priors, and an exceedingly great multitude, to exalt Henry, first-born son of King John, to be king of England. On the next day when all necessary preparations for the coronation had been made, the said legate, together with the aforementioned bishops and earls, brought him in a solemn procession to the conventual church to be acclaimed king. Standing before the high altar, with Jocelin bishop of Bath dictating the oath, he then swore in the presence of clergy and people, touching the holy gospels and the relics of many saints, that he would give honour, peace, and reverence to God and His Holy Church and its ministers all the days of his life. Also he swore that he would show strict justice to the people committed to him, that he would destroy evil laws and unjust customs, if there were any in his realm, and would observe the good and make everyone else observe them. Then he did

1

homage to the most holy Roman Church and to Pope Innocent for the kingdoms of England and Ireland; and he swore that so long as he held his kingdom, he would faithfully pay the thousand marks which his father had bestowed upon the Roman Church. When this had been done, Peter bishop of Winchester and Jocelin bishop of Bath anointed him as king and solemnly crowned him with canticles and chants which are wont to be sung at the coronation of kings.

2.

[War ensues between the supporters and the opponents of Henry. Barnwell Chronicle in Memoriale W. de Coventria (R.S.), ii., p. 233 et seqq.]

When the king was dead and buried, his adherents, both foreigners and nobles of the realm, met together, and through the management of the legate put forward as king the king's eldest son, Henry by name. At the legate's bidding the bishop of Winchester, supported by the bishops who were in the kingdom, laid his hands upon him at Gloucester on St. Simon and St. Jude's day.

The lord archbishop of Canterbury was not present as he was detained at the Roman court, and the bishop of Lincoln was lingering in parts beyond the sea. The others with the nobles swore fealty and homage to the new king. By common counsel the care of the king and of the kingdom was entrusted to the legate, the bishop of Winchester, and William Marshal earl of Pembroke, for the king was still a boy about nine years old. When their opponents heard this, they were indignant, and so that there should be no hope at all for the new king, they one and all swore on the gospels that they would never hand over the land to any heir of John, late king of England, for they did not consider him worthy of the name of king. But with all his might the legate supported the king's

party by commands and advice, supplications and prayers, arguments and rebukes, brandishing the sword of Peter in the face of adversaries and rebels; for such were the instructions given to him.

For when news of the death of King John reached Rome, the papal curia determined to make a stand for its ward the king, and to defend England against Louis and his men as though it were the patrimony of St. Peter. Therefore, if it were necessary, not only words but arms should be used. So the new pope not only confirmed the appointment of the legate himself, but entrusted to his discretion everything connected with or necessary to that cause, notwithstanding every appeal or contradiction. Strengthened by this authority, the legate compelled the prelates and clergy to be loyal to the new king, heavily punished those who resisted, and laid an interdict on lands which had fallen into the hands of Louis and his supporters. On the other hand, Louis denied the legate's authority on the ground that he had appealed against him on behalf of himself and his followers. He forbade the prelates of the churches, with weighty threats, to yield to the summons of the legate or bind themselves to the new king in any way, enjoining them besides to take an oath of fidelity to him on an appointed day, just as though he were lord of the land. However, in this matter the legate prevailed, for at a council summoned at Bristol he gained over the prelates who were present to the side he favoured. On the other hand, Louis did what he could, despoiled them of their possessions, and left their goods to be pillaged by his men. Yet not one of the prelates of the Church was he able to bring to fealty and homage to him in that year, for some lay in hiding, while others obtained a truce by money. Then he moved his camp from London towards the interior of the country, dragging after him machines for hurling stones and engines of war. He laid siege to the castle of

Hertford and took it. Meanwhile his men occupied the island of Ely, save for a certain fortified place in which the royalists shut themselves. Lincoln also was occupied and the castle besieged. When he got beyond London, he brought his camp to a castle called Berkhampstead, and when his engines had been set up, he began to press the besieged to surrender. But as it was drawing near to Christmas, general truces were made between the two sides until the octave of the Epiphany, and on account of the demand for a truce, the castle which was being besieged was given up. From Lincoln also those who were taking part in the siege withdrew.

After Christmas while the truce still endured, the leaders summoned their adherents to a council, Louis at Cambridge, the royal guardians at Oxford, and they tried either to establish peace between the parties or to prolong the truce. But since the English who were with Louis refused peace and there was delay over the idea of making a truce, he himself laid siege to a castle called Hedingham. And at that time there was yielded to him that castle and the castle at Orford, and the castles of Norwich and Colchester, in consideration of a truce to last till a month after Easter. It was hoped, indeed, that by reason of the truce he would go back to his own country, and some accident might easily occur of which the royalists could take advantage. Thus the whole of the eastern region came into the hands of Louis.

[Louis returns to France, 1217.]

When he had crossed the seas, the earl of Salisbury and many others soon openly joined the other side. Indeed, the legate had spurred them on, charging both them and others for the remission of their sins to take the king's side, and to strive for the king's interests with all their might, as though these were the interests of the Church itself; nay, not only this, but even to mark their breasts with

the cross, as though they were going to fight the infidels. He himself received the sign first, and the bishops of the Church and prelates and abbots bore it, and they took the field and joined in the sieges of castles. Those who were under a vow to go on pilgrimage to Jerusalem either changed it for this or postponed it because of this. The legate did not cease to utter threats, sentences of excommunication, and interdicts, but his words were of no account among his enemies. For they alleged that not only he but even the lord pope, blinded by gifts and conquered by greed, had cast down judgment and perverted the right. Now he did nothing that did not receive a sinister interpretation.

[The King's party recovers the castles of Marlborough, Farnham, Winchester, and Chichester.]

Since the inconstant crowd is easily moved, little indeed would have remained for Louis in England had he put off his return beyond the promised time. Meanwhile his party was not idle, for they laid siege to the castle of Lincoln about mid-Lent. Every day there flocked thither many great men with their wives even and their children, thinking they could abide there in greater safety, partly because the site was favourable and partly because of the numerous garrison of powerful men.

3.

[After the return of Louis, his adherents are defeated at the battle of Lincoln, May, 1217. Wendover, Flores Historiarum (Eng. Hist. Soc.), iv., pp. 21-5.]

Meanwhile the king's army was approaching the city from the castle side, when it was seen by the garrison, who secretly sent a messenger through the postern at the rear of the castle to tell the commanders of the army everything that was being done inside. He also said that, if they liked, they could have entrance through the little postern which had already, on their coming, been opened. All did not want to enter by it, but they sent Falkes with all the men he commanded and with all the crossbowmen to open at least one of the city gates. Then the whole number went together to the north gate and found time to break it down, but the barons did not on that account cease casting heavy stones from their engines against the castle. Meanwhile Falkes with his company and all the crossbowmen entered the fortress, and he placed his men on the walls of the houses and on the castle ramparts. These hurled deadly missiles at the barons' steeds and brought horses and riders to the ground, so that they wiped out, as it were, by the glance of an eye, a huge multitude of foot soldiers, knights and magnates. When Falkes saw so many of the noblest of his adversaries prostrate on the ground, he boldly broke through with his men into the midst of the enemy. He was, however, captured and taken by the legions rushing upon him, until he was freed by the valour of the crossbowmen and his own knights. Meanwhile the whole mass of the royal army, in spite of the difficulty of breaking in the city gates, entered the town and boldly burst upon their enemies. And then you might have seen sparks of fire leaping from the blows of the swords and have heard the clash of helmeted heads resounding like dreadful thunder. At length the crossbowmen by whose valour the horses on which the barons rode were pierced through by darts and slit like pigs, entirely overwhelmed the barons, for, of course, when the horses fell to the ground dead, the riders were captured and there was no one to rescue them. Finally, when after the complete overthrow of the barons, the royal soldiers had taken a great multitude of their knights and had cast them all into chains, they rushed in dense companies against the count of Perche and surrounded him on all sides. At length, when he could not withstand their attack, they exhorted him to give himself up so that he might escape alive, but he asserted with an oath that he would not give himself up to Englishmen who were traitors to their own king. Hearing this, one of them ran upon him, and striking him in the eye pierced his brain so that he fell headlong to the earth and uttered nothing more. When the ranks of the French realised that they had nearly all fallen, they fled, both horse and foot, to their great loss. Now the thong fastening the southern gate through which they fled had been fashioned cross-wise to the gate, so that the fugitives were seriously hindered, for as often as anyone came wishing to go out, he had to get off his horse and open the gate. As he passed through it, the gate was shut anew by the thong placed cross-wise as before, and so that gate hindered the fugitives excessively. The king's men followed the fugitive barons and the French, but though still more were taken in flight, yet they followed them falsely, for had not feelings of kinship and humanity stopped them, not a foot of them would have escaped. . . .

After this the king's warriors found in the streets of the city the horses and waggons of the barons and the French laden with baggage and bundles of silver utensils and all kinds of spoil and loot, all of which they took for their own use without hindrance. The whole city was plundered to the last farthing, and then they proceeded to rob all the churches throughout the city, breaking open all the chests and cupboards with hatchets and hammers, and seizing gold and silver, cloth of all colours, women's ornaments, gold rings, goblets, and precious stones. When at last they had carried off all kinds of merchandise so that nothing remained untouched in any corner of the houses, they all returned to their own lords, rich men. When the peace of King Henry had been proclaimed throughout the city by all, they feasted and drank and made merry—that

encounter, which they used to call "the Fair" to taunt Louis and the barons, took place on the Sunday after Whitsunday, beginning halfway through the second hour of the day, but everything was completed by good intermediaries before the ninth hour.

4.

[The final defeat of Louis. Sea fight in the Channel, Aug. 1217. Ralph of Coggeshall, Chron. Angl. (R.S.), pp. 185-6.]

When Louis heard of this misfortune, he withdrew from the siege of Dover and came to London in vain expectation of help from beyond seas. At last the greater French barons, with a certain Eustace, once a monk, and a great fleet of sixty ships set out for England with a multitude of armed men to help Louis. But Hubert de Burgh, constable of Dover and royal justiciar, with a number of fighting men and ships from the Cinque Ports, put out to sea to meet them, and killed Eustace, the leader, whose ship was engaged first, and all in that ship were taken and some were drowned. So the Lord smote the heads of His enemies when they came to scatter the English people, and more men and other ships were captured and the captives were brought in. The Lord moreover drew back the waters of the sea over certain of them who were fleeing, and they were sunk like lead in the stormy waters. So Almighty God, though He did not fight in a multitude, consumed the strength of the enemy, and with His own right hand was glorified in His people.

Louis, when he heard this, did not know where to turn, for he had no safe place to rest in, and so, compelled by necessity he asked for peace. At last the said Louis and the legate Gualo, and the bishops and other prelates, and the magnates of England met together in a certain island near Kingston to confer about peace and an agreement. There Louis in the presence of all was absolved from

excommunication and renounced the kingdom of England. So the peace of the church and the realm of England was made and established on the vigil of the Exaltation of Holy Cross, and then Louis and his men went back to France. Afterwards the legate sent throughout England abbots and monks to absolve all who had had dealings with Louis and his men.

5.

[Form of peace concluded with Louis, 11 September, 1217. Roger of Wendover, Flores Historiarum, iv., p. 31.]

First Louis and all the excommunicated and his adherents with him, swore on the holy gospels that they would stand by the judgment of holy Church and would henceforth be faithful to the lord pope and the Roman Church. He also swore that he would immediately withdraw from the realm of England with all his men, never in his life to return with evil intent; and that with all his power he would persuade his father, Philip, to restore to Henry, king of the English, all his rights beyond seas. Then he swore that he would immediately restore to the king and his men all castles with all lands which he and his men had occupied in the realm of England through the war. The king of the English in company with the legate and the marshal swore on the holy gospels that they would restore to the barons of England and all others of the realm all their rights and inheritances with all the liberties formerly demanded, for which discord had arisen between John, king of England, and the barons. As regards all prisoners who before this conclusion of peace had ransomed themselves and had paid to their creditors a part of the money for their ransom, thus already effected, what they paid is not to be returned to them; but if any remains to be paid, the debtor shall be entirely free of it. All prisoners who had been captured at Lincoln or in

the naval battle at Dover, whether of the king's party or of Louis' party, shall be set at liberty everywhere, immediately, without any difficulty, and without any ransom or payment.

6.

[The king of Scotland comes to terms and does homage, December, 1217. Chronicle of Melrose, p. 132.]

Alexander, king of Scotland, collected his army and advanced towards England, but when he reached Jedburgh, he heard of the peace which had been concluded between Louis and the king of England, and, disbanding his army, remained there during the month of September. The lord Alexander, the king of Scotland, was absolved from excommunication [incurred as a supporter of Louis] by the lord archbishop of York and the lord bishop of Durham at Berwick on the Kalends of December, by the authority of the legate who was resident in England, and the third day afterwards the mother of the said king was absolved by the bishop of Durham. As soon as the archbishop had absolved the king, he continued his journey to Carlisle to receive the seisin of the castle by mandate of the king of Scotland, for the use of the king of England.

At this same time, while the king was on his way towards England, the whole Church of Scotland, which had been placed under interdict, ceased from the celebration of divine service, with the exception of the white monks who still celebrated according to the privileges which they had received from the apostolic see. Upon his arrival at Northampton the King was received with the greatest respect, both by the said legate and by the new king of England, and there on the Saturday next before Christmas day he did homage to the king of England, for the earldom of Huntingdon and the other

lands which his predecessors had held of the kings of England.

7.

[Possible rivalry between William Marshal, earl of Pembroke, and Randulf Blundeville, earl of Chester, as to the direction of public affairs. Letter of Honorius III. to Gualo, July, 1217. Royal Letters, i., p. 532 (Bulls of Honorius III., Anno i, Epist. 498).]

Having weighed the needs of our dearest son in Christ, Henry, renowned king of England, we have commanded our bishops and prelates of England, in accordance with their own resources and your supervision, to take care to help themselves in this moment of necessity, assigning to you what they shall have brought together, so that it may be prudently distributed through you with their counsel and that of other faithful men of the king to the advantage of him and of his kingdom. Do you therefore act on this as seems to you expedient.

Also you shall know that we have been urged to associate the noble earl of Chester with the noble William, royal marshal, as his colleague, as the latter is reported to be already affected by increasing years and cannot discharge his duties as is meet, especially in these times. But since we suspected that the marshal would take that ill, and as all divided power is full of risk, and loyalty would thus be cooled, we ordained that it should be left to your foresight, for you can better know the truth in this matter. Whatever you arrange to be done, we will hold valid and deserving of thanks. To be sure, as Richard de Marisco, the king's chancellor, is faithfully and consistently fixed in loyal obedience, we will show our gratitude to him, if, when opportunity arises, you should be inclined to promote him, provided that you have the strength to carry it through according to God and your reputation, and to the benefit and honour of the king.

8.

[Henry III. acknowledges his dependence on the Papacy. Letter from Henry III. to Honorius III., November, 1217. Royal Letters, i., no. vii. (Ancient Correspondence, ii., 103).]

To the most excellent lord and father in Christ, the most holy Honorius, by the grace of God supreme pontiff, Henry, by the same grace king of England, lord of Ireland, duke of Normandy and Aquitaine, count of Anjou, sends greeting with the reverence due to so great a lord and father.

We cease not, nor shall we ever cease, to pour forth as great thanks as we may for your most excellent government, by whose aid we are raised from weeping to laughter, from darkness to light, and from the narrowness of the cradle to the spaciousness of kingdoms.

And though we owe you as our dearest lord everything that we have, yet not unwillingly are we bound to you in a special debt of an annual payment of a thousand marks. That the payment of these is not in our time hastened as quickly as is expedient, is sufficient matter of annoyance to us, and likewise of grief. So that we may not be deemed to be without excuse, we are sending to the feet of your Holiness our beloved and faithful, the venerable father Ralph bishop of Chichester, Peter Saracenus, a Roman citizen, master Geoffrey de Caleto and brother Richard, a monk of Abingdon, as our messengers to tell you by word of mouth, should it please you, the circumstances, events, and actions which they fully know. For we enjoin and command the same not to counterfeit anything which concerns the state of ourselves and our kingdom. Nevertheless since our beloved and venerable father and lord Gualo, cardinal priest by the title St. Martin, and legate of the apostolic see, whose circumspect prudence we commend as very useful to us, offering you repeated

thanks for such great foresight, had frequently warned and commanded us not to cease the payment of the aforesaid rent, we were the more ready with unfeigned willingness to acquiesce in his warnings. But so far our power has not equalled our will, at one time because our bailiffs, with their districts impoverished by war, were only able to answer to our exchequer for less than the customary amount, at another time because our faithful earl, William Marshal, bound himself to the lord Louis for us under no no slight penalty to the payment of ten thousand marks in the interests of the peace restored between us and him, at another time because we are bound to satisfy the illustrious queen Berengaria in regard to a debt of five thousand marks, and this moreover at your command. Indeed, we are harassed by other debts over which we have our hands full, and we lack not many difficulties. Nevertheless may the sum which your Holiness ought to accept from the payment due to you be shortly in God's mercy received. Therefore on bended knee, with tearful voice, we ask you of your compassion to be willing to bear the delay of the intervening time not unworthily, turning your gracious eyes upon our impotence. And since our help depends, under Heaven, chiefly on you, so may you be willing to allow your fatherly feelings to reach us and our affairs, and likewise to surround them so that in those matters which touch us, the glory of the apostolic see may always be wonderfully increased.

On the departure of these our messengers, this is the state of us and our kingdom: all the magnates from the parts and bounds of England have sought our presence and are returned to loyalty and our peace, and we hope concerning them that, with your power to aid us, they out of their devotion shall become the more devoted.

9.

[Officials in the English lands oversea are beset with difficulties.

Letter from Geoffrey Neville, Seneschal of Poitou, to Henry III.,
1219. Royal Letters, i., no. xxx. (Ancient Correspondence, iv.,
103).]

Many times have I proposed to you that you should set on foot plans to defend the country of Poitou and Gascony, not only against the king of France but against your own barons, who lay waste your land and seize and put to ransom your barons. They bear themselves towards you, as it appears and I believe, as though unconcerned with any service to you. I indeed am too poor to defend the land and subjugate them, and they care no more for me than if I were a page-boy. Wherefore I tell you that unless you immediately follow another course, you will soon see me in England. Then do not say that I am losing the lord king's land, but you are depriving yourself of it through lack of good resolution. Meanwhile whatever the bearer of these letters tells you, for the honour of the lord king and his realm, believe.

10.

[The government is embarrassed by a quarrel between William Marshal the younger and Falkes de Bréauté. Letter from Falkes to Hubert de Burgh, justiciar, June, 1217. Royal Letters, i., no. v. (Ancient Correspondence, i., 65).]

Falkes de Bréauté greets his dearest lord and friend Hubert de Burgh, and awaits his commands. Know that on the Wednesday [28 June] following the Nativity of St. John the Baptist, the serjeants of William Marshall resident at Fotheringhay came to the manor of earl David in the county of Northampton, namely Yardley, and took up their quarters there, seizing it in the interests of their lord. When this was known the sheriff of Northampton

went there and ordered them to depart. They told him they would do nothing for him and remained there. I was in the neighbourhood, but did not wish to take steps without your command and advice. Wherefore I diligently pray you to make up your mind quickly about this and inform me of your will in the matter. This and similar occurrences I would not, so far as in me lies, have borne from anyone, but as regards William the Marshal I hate to do or attempt anything through which the taunt of greed or shame could or should be brought against me. Since you are in the presence of the lord legate and the eminent council of the lord king, and since you are justiciar of England . . . I inform you of these things thus frequently and ask you to take such steps in regard to them that my action may not be interpreted in a sense hostile to me, for in this and in all other matters your will has my obedience. Bartholomew de Mortimer and other great bailiffs of William the Marshal are directing such letters as I am sending to you to their own serjeants, telling them to collect the farm for St. John's term and perform other presumptuous deeds. It seems to me that transgression can in no way be amended without your presence. . . . Therefore I diligently beseech you to go to those parts to correct such presumption and many other things done there. When you personally shall have heard them, I will immediately and diligently apply myself to correcting such things.

11.

[Letter from William Marshal the younger to Hubert de Burgh, late in 1219 or early in 1220. Royal Letters, i., no. lix. (Ancient Correspondence, i., 142).]

It should be sufficiently known to your wisdom that all who are in the king's service should occupy their lands peacefully, and their possessions should not be unjustly molested. You should know that a certain woman who used to be the tenant of a certain knight, Roger de Hyda, has died, and the said Roger de Hyda came and took his fief into his own hand, as he had a legal right to do. But the serjeants of Falkes de Bréauté came and took one of their own men and his carts and his corn on that fief and held it against pledge and security, and this I take exceedingly ill. Wherefore I earnestly entreat you for my love and service to be pleased to cause the transgressions done and committed against me through the lord Falkes to be amended, that I may have peace concerning the said land and estate until my coming into England. And on behalf of the said Roger I undertake that on my coming into England I will bring his case before the lord king's court.

12.

[War between William Marshal the younger and Llewelyn ap Iorwerth. Letter of William Marshal the younger, earl of Pembroke, to Hubert de Burgh, justiciar, 1220. Royal Letters, i., no. exxv. (Ancient Correspondence, i., 143).]

Know that when Llewelyn had entered my land of Pembrokeshire, after infinite damage and injury my stronghold of Narberth and of 'Wych' had been destroyed, and he had put to death the men captured in them, the knights and other men of that province of mine, lest everything they had should be entirely destroyed, chose rather to faint than to die, and consented to give the said Llewelyn one hundred pounds and to refrain from rebuilding my strongholds. They promised they would hand over to the custody of the said Llewelyn a certain portion of my land on behalf of the king, so that he should end his wickedness and depart thence. I want all this information placed before my lord the king of England. . . . Therefore I earnestly beseech you to remember how invariably I have depended upon the counsel of the lord king and of you,

and to direct my lord the king's attention to the matter so that he may write to my men telling them to resume possession of their lands as they held them when Llewelyn made his recent hostile invasion of them. Also let complete freedom be granted me to build my said strongholds according to my will. . . Also induce the king to signify to the said men that Llewelyn had attempted the aforesaid injury against his will and injunction; nor let them believe it, if Llewelyn or anyone else persuades them to the contrary.

13.

[Letter from William Marshal to Hubert de Burgh, April, 1222.

Royal Letters, i., no. clii. (Ancient Correspondence, i. 146).]

I have decided to inform your love and kindness in which I fully trust that the sheriffs and the bailiffs of Falkes de Bréauté are seizing my lands in Bedfordshire. I wonder much, and rightly, at this because I was with the lord king and constantly had speech with him, and I am and will be ever ready and prepared to do all that, according to the custom of the realm, I ought to do, as for my own lord. So I earnestly and anxiously entreat you to command that my lands both in Bedfordshire and elsewhere should be in peace; and may it please you to forbid anyone to lay hands on my land to my loss and injury. Know for certain that, God willing, I will come to you fifteen days after Easter, to do fully for my lord the king, as for my dearest lord, everything that I ought to do.

14.

[Outbreak of war between Llewelyn and Henry, April, 1223. Annals of Dunstable (R.S.), p. 82.]

At that same time Llewelyn, the greatest of the little kings of Wales, brother-in-law of the king of England, sought from the king of England help to restore to its

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due state a certain castle unjustly taken from the king of England by the Welsh. But when he had obtained the help, he took the said castle, destroyed it, and kept the land for himself. Then also with the same army he suddenly invaded the land of William Marshal whom he hated, and the animals which he could find he shut up inside buildings and fired the buildings; and the loss brought upon him was infinite. The Marshal who had borne these great evils, seeing that he could not avenge himself, departed to Ireland and collected an army during the winter. Meanwhile Llewelyn utterly destroyed the castles on the border of North Wales belonging to Fulk FitzWarin. This the king of England took amiss because it was done against his own peace, and collecting an army he went to the marches to take vengeance for the breach of the peace. The earl of Chester, Llewelyn's confidential friend, hastened to the king and swore on Llewelyn's behalf that satisfaction should be made within a certain time. So the army returned to its own. But when the said Llewelyn had not made satisfaction within the stated time, it happened that the Marshal came from Ireland in Passion week with many thousands of people and turned to south Wales, where at the prayers of the English king, after a truce of fifteen days for coming to terms had been conceded, war was postponed. Since, however, peace was not arranged in the meantime, war broke out, and to the Marshal's help came the earls of Gloucester, Salisbury, Essex, and Suffolk, with many barons of the marches and of England. These on some occasion met the Welsh in certain narrow places and hardly escaped death, and of the Welsh many perished. The Marshal fortified the lands which he occupied with notable castles and repaired those which had been wrecked. At length indeed the king of England went to those parts with his army and obliged Llewelyn to abandon the siege of a certain castle.

Llewelyn was solemnly excommunicated by the archbishop of Canterbury because he had rashly disturbed the realm of England contrary to the pope's protection. At length, when he could not continue the war, he treated for peace. To begin with he swore that he would obey the commands of the Church, and he was absolved by the archbishop. These were the terms of peace: that the king of England should retain Montgomery with its castle and district, and the Marshal should retain the lands which he had occupied, save only those lands which Llewelyn had possessed as an hereditary fief at the beginning of the war. Also Llewelyn was to repair Fulk's castle which he had destroyed contrary to the king's peace and to restore it to Fulk; he was also to make good the losses of the poor as far as he could.

15.

[The king declared to be of age in certain respects, and the malcontents nonplussed. Annals of Dunstable (R.S.), p. 83.]

Afterwards the king withdrew his army, summoned the barons to London, and by the command of the pope and with the assent of the barons it was enacted, and the enactment was published, that the king was of age so far as the free disposition of castles and lands and his own wards were concerned; but not so that he could be impleaded by anyone.

Meanwhile the earl of Chester, the earl of Albemarle, Falkes, and Brian de Lisle and their accomplices worked surreptitiously to seize the Tower of London suddenly by force. But as the king drew near their plan came to nothing, and lacking a purpose they retired back to the town of Waltham. By the witness of this work their sedition thus became obvious, and Stephen the archbishop of Canterbury, with many of his suffragans who were then present in London, sent messengers of peace to the said

barons that they should come to the king to give satisfaction for such excesses, and to be reconciled with their lord. When they came to the king, they unanimously said that they had not done, nor wished to do, anything against the king, but from every point of view it was necessary to remove Hubert de Burgh, called the justiciar, from office, on the ground that he wasted the king's treasure and oppressed the nation. The justiciar, who was then present, heard this with indignation and broke forth into abuse, and wishing to cast all the blame on Peter bishop of Winchester, called him a traitor to the king and kingdom, and asserted that all the evils which had come to pass in the time of King John and of King Henry had been brought about by his malice. The said bishop, returning evil for evil. threatened that if he had to pay everything he had, he would cause the justiciar himself to be removed from power; and rising in the midst with his accomplices mentioned above, he withdrew amid murmurings.

Christmas being then at hand, they arranged to keep it at Northampton, and there they made great preparations. When the king heard this, he commanded what was necessary for Christmas to be prepared there, but when the 'schismatics' heard this they retired to Leicester. On their withdrawal the king came to Northampton, and with him the archbishop of Canterbury and so many bishops, earls, barons, and armed knights that neither in his father's day nor afterwards was ever the feast so celebrated in England. Also on the fifth day of Christmas the said schismatics came to the king, and through the counsel and threats of the lord of Canterbury both the said schismatics and the king's party resigned their wardenships into the king's hands. Thus when the feast was ended. the friends of the king departed in great glee and his enemies in great confusion.

16.

[Letter from William Longsword, earl of Salisbury, to Hubert de Burgh, 1224. Royal Letters, i., no. exevi. (Ancient Correspondence, i., 122).]

Be it known to your affection that the lord John Marshal has written to us to say that when he sent to Falkes de Bréauté the lord king's letters declaring that he should have and hold in peace his wood at Norton and his lands in his bailiwick, as was right, the said Falkes replied to the king's letters that, had he sent him thirty pairs of letters, he would in no case have peace as regards the said wood or anything else in his bailiwick. In the presence of his own serjeant whom he had sent to him, he called the said John and all the native-born men of England traitors, saying also that all we native-born men of England longed for and desired war, and that he himself would bring such war upon us that all England would be too narrow for us. For he straitly commanded the serjeant of the said John Marshal that he should repeat those words to his master, and that his lord should publicly declare such to us and to others. The said Falkes caused the bailiff of the said John Marshal to be captured at Norton, and he still detains him in prison at Northampton, and he does not choose to set him free unless he first finds him some pledges that he will return to him all the dues and charges, though none are owing, which he demands from the said land of Norton. Also he caused the beasts of the said John to be taken from his own hundred, and he still keeps them, thus bringing evil and shame upon him, promising worse to come. Therefore we earnestly beseech you of your love to please to form plans immediately for dealing with these excesses.

17.

[The siege of Bedford castle and the end of Falkes de Bréauté, 1224.

Annals of Dunstable, p. 86 et seqq.]

In the same year in the octave of Pentecost, while the king was making arrangements at Northampton with the clergy and barons of the realm for a Poitevin campaign, William de Bréauté, with the connivance of his brother, Falkes, took Henry de Braybroke, then the king's justice of the Bench, and held him in prison in Bedford castle. The king took this seriously, postponed the Poitevin campaign, and besieged Bedford. The archbishop of Canterbury with his suffragan bishops and the abbots came to his help and granted him a carucage of half a mark for every demesne plough, and two shillings from every tenant's plough, and two workmen from every hide to work the siege engines. But lest this should draw them into bondage at another time, the king made them charters of immunity for the future. Meanwhile Falkes withdrew and waited in the earl of Chester's lands, but that earl, the bishop of Winchester (Peter des Roches) the earl of Albemarle, William de Cantilupe, Brian de Lisle, and Peter de Maulay with their satellites followed the king's army falsely, though by all their words and works they rendered themselves suspect. At length when the bishop of Winchester and the earl of Chester saw that they were excluded from the king's secret counsels, they sought a favourable occasion from a friend and went to their own parts. Meanwhile as the ruin of the castle was imminent, by the mediation of the bishop of Chester, the king's messenger, the earl returned to the king's court and Falkes as far as Northampton. While he remained there under the king's safe-conduct, and while Martin Pateshall and the archdeacon of Bedford were treating for peace between the king and him, the castle was captured in the following way. On the eastern side was a stone-throwing machine and two mangonels which attacked the tower every day. On the western side were two mangonels which reduced the old tower. One mangonel on the south and one on the north made two breaches in the walls nearest them. Besides these there were two wooden machines erected by the skill of the artificer above the top of the tower and the castle for the use of the crossbowmen and scouts.

In addition there were very many engines there in which lay hid both crossbowmen and slingers. Further, there was an engine there called a Cat, under which underground diggers called miners had a way in and a way out, while they undermined the walls of the tower and castle. Now the castle was taken by four assaults. In the first was taken the barbican, where four or five of the outer guard were killed. In the second the outer bailey was taken, where more were killed, and in this our people gained horses and their harness, corselets, crossbows, oxen, bacon, live pigs, and many other things beyond number. But the buildings with the corn and hav in them they burned. In the third assault, by the action of the miners the wall fell near the old tower, where our men got in through the ruin and amid great danger occupied the inner bailey. In the occupation of this many of our men perished, also, ten of our men who wanted to enter the tower were shut in and held by their enemies. At the fourth assault, on the vigil of Assumption, about vespers, fire was put under the tower by the miners, so that smoke broke through into the dwelling place of the tower where the enemy were; and the tower was split so that cracks appeared. Then the enemy, despairing of their safety, allowed Falkes' wife and all the women with her, and Henry, the king's justice, with other knights whom they had shut up before, to go out unharmed, and they

subjected themselves to the king's command, hoisting the royal flag on the top of the tower. Thus they remained, under the king's custody, on the tower for that night. On the following morning they were brought before the king's tribunal, and when they had been absolved from their excommunication by the bishops, by the command of the king and his justice they were hanged, eighty and more of them, on the gallows, At the prayers of the leaders the king spared three Templars, so that they might serve Our Lord in the Holy Land in their habit. The chaplain of the castle was set free by the archbishop for trial in an ecclesiastical court. The quantity of treasure and the multiplicity of ornaments and provisions found in the tower are not easy to recount. Thus were scattered all whom Falkes had in England, without land or goods.

When this was done, Falkes was brought to Bedford with a few companions. His men were absolved, though he remained excommunicate till he had restored to the king the castle of Plympton and the castle of Stoke Courcy, and the golden and silver vessels and the money which he had; and so he was brought to London.

Meanwhile the sheriff was commanded to destroy the tower and outer bailey, but the inner bailey, when the defence had been removed and the diggings everywhere cleared, remained for the habitation of William de Beauchamp. The stones were granted to the canons of Newenham and Caldwell and the church of St. Paul of Bedford. Afterwards Falkes was absolved in London, and because he had taken the cross, he was allowed to depart for Rome. But when he had crossed the sea and was on the way to Fécamp he was detained by the bailiffs of the French king. At length at the following Easter he was freed from prison and set out for Rome. He wrote very feeling letters to the king about the recovery of his wife and her lands, so the king and his barons wrote again

to the pope about his treachery. Having thus suffered repulse he departed to Troyes, and after he had remained there through the year, he was allowed to leave the French kingdom because he would not do homage to the king. Returning at last to Rome, after much pressure he got his wife and inheritance restored to him by the justices appointed, but on his return from the city, burdened with many debts, he died at St. Cyriac.

18.

[The attitude of Llewelyn during Falkes' rebellion. Letter from Llewelyn, prince of North Wales, to Henry III., July, 1224. Royal Letters, i., no. cci. (Ancient Correspondence, iv., 19).]

We have received the command of your majesty with due respect. Among other things you informed us that the men of Falkes de Bréauté have transgressed greatly against you in seizing and still retaining Henry de Braybroke. For this reason you have undertaken the siege of the said Falkes' castle, namely Bedford. Therefore, also, you have forbidden us to provide him with help or counsel, or to receive him or his men. To this we reply that the said Falkes came to us and our land complaining and deeply lamenting about those things which you were planning should be done to him. Also he showed that the said Henry was taken without his instructions and knowledge, and though he would not assume responsibility for the deed, nevertheless he would cause William de Bréauté and his followers to stand their trial and give satisfaction for it. . . . Now on the same day on which he reached us, he departed from our land.

It is not because we are bound to excuse ourselves if we do receive him and his men, that we write to you thus. For we are not less independent than the king of Scotland, who receives outlaws from England, and with impunity

too. Besides, the said Falkes has been in no way undeserving as regards you or your father of blessed memory. That he ever did any evil to you we have not heard, but indeed we know the many and great benefits which he has conferred upon you, serving you more efficiently than almost anyone else. There would be no need for your excellency to be annoyed should he take refuge with us, for we should take the greater care to reconcile him with you to your honour, should it conform with your plans to show him justice. But it is about ourselves rather than about him that we are aggrieved, because not only are our rights not restored, but no small injuries and insults are heaped upon us. Though we do not blame your majesty for this, we neither do nor can hope that you purpose or wish to satisfy us. So many times have we complained that we are even ashamed to call our complaints to mind, since we receive no satisfaction thence.

In addition to this you have informed us that the said Falkes has been censured as a disturber of the realm, but you may be quite sure that the real disturbers of the realm are those who suggest useless plans to you, that you should thrust away from your council and yourself great men, and men necessary to you, disinheriting them, troubling them unreasonably simply at will. If indeed the said Falkes defends himself against the lord pope who wishes to disinherit him, we do not believe that he is an excommunicate in the eyes of God. Whatever others may do about this or anything else, we shall not go against our conscience. Nay, we would rather be excommunicated by man than do anything against God when our conscience condemns us. On this and on other matters may God grant you wholesome counsel, and us too; for we are badly in need of it. Farewell.

19.

[Marriage of Henry III.'s mother, Queen Isabella, to Hugh X. of Lusignan, count of La Marche. Letter from the queen to Henry III., May, 1220. Royal Letters, i., no. xcvi. (Ancient Correspondence, iii., 187).]

We inform you that on the death of the counts of La Marche and Eu, Hugh of Lusignan remained as it were alone and without heirs in Poitou, and his friends did not permit our daughter [Joan] to be joined to him in lawful wedlock, because she is of such tender age. Instead they counselled him to marry a wife by whom he might soon beget an heir, and it was mooted that he should take a wife in France. If he had done this, all your and our lands in Poitou and Gascony would have been lost. When we, however, saw the great peril which might arise should that marriage take place (though your councillors were unwilling to give us any advice), we married the said Hugh, count of La Marche, and let Heaven witness that we did this rather for your benefit than for our own. Wherefore we ask you, as our dear son, to be pleased with this, as it greatly profits you and yours, and we earnestly entreat you that you will give back to him his rights, that is to say, Niort, the castle of Exeter, and Rockingham, and the three thousand five hundred marks which your father our late husband left us. And, may it please you, so bear yourself towards him who is so powerful, that it may not be your fault that he does not serve you well. For he is well disposed to serve you faithfully with all his power, and we are sure, and we undertake, that he will serve you well, if you will restore to him his rights. Therefore we suggest that you take up a favourable attitude in that matter. When you are pleased to do so, send for our daughter, your sister, for she is in our company, and we will send both her and letters patent to you by a trusty messenger.

20.

[Relations with France. Annals of Dunstable, pp. 92, 98, 100, 103.]

In the same year [1225] the king sent chosen messengers to Rome with complaints against the king of France, because he had rashly presumed to invade Poitou and other lands of the English king, the vassal of the Roman Church. He refused to return them in spite of the fact that, when the proctor of the French king was present and had not gainsaid it, it was provided and enjoined by the Roman Church, on taking common counsel, that the wars of Christendom should be ended by a final peace or interrupted by long truces. When the king of France learned this from his spies, he threatened the English that he would not only retain the lands he had, but that he would get England also within a few days, as though it were a land sworn to him and of which he held the lawful heir in his power. He straightway sent royal letters to all the sea coasts, promising to the sailors and to other warlike men also, both French and English, inheritances, liberties, and many gifts, for all who would adhere to him in this business. Also he assured himself that he would be secure as regards England, both because the king was a boy and poor, and because the nobles of the realm had made him secure in regard to the kingdom, handing it over to him by pledges and in writings. When the king of England heard this, he was afraid, and taking counsel with his liege men fortified the sea coasts, sent an army to the adjoining islands, and received securities from the Cinque Ports. At last at an assembly held in London the king asked his barons for a general aid for the defence of the realm. But the barons in their turn demanded certain liberties granted by King John and afterwards confirmed by the king himself, though up to this time his bailiffs had prevented them from being observed. After many changes

of opinion indeed, it was generally agreed that the king, who was now regarded as of full age, should allow the liberties formerly granted by him in his boyhood to both the people and the common folk. In their turn the archbishops, bishops, earls, barons, and the religious freely granted to the king in such a great emergency a fifteenth of their movables. Because the secular clergy had not sent to the meeting, the king obtained general papal letters to the English clergy to contribute sufficient aid according to the resources of their benefices.

In the same year the fleet of the king of England brought great treasure to Richard, the king's brother in Gascony, and when the task was fulfilled it was anxious to return home. When it had reached the neighbourhood of La Rochelle, it could not proceed because the wind failed. When Savary, the warden of the coast, saw this, and had learnt from his galleys which were moving to and fro, that they were English ships, he commanded them to put in to port and ransom both their goods and themselves. Should they refuse he threatened that he would take them and kill them all. Now they were afraid and offered him first sixty marks, then a hundred, and then two hundred. While the messengers were reporting these offers to Savary, and he was refusing them, he ordered vessels to be prepared, but, behold, a south wind sprang up, and those in the fleet hoisted sail and went on their way prospering, and had no desire to give a halfpenny. When they drew near Brittany they found a very large ship of Bayonne laden with merchandise valued at ten thousand marks. This they took by force, slew many of their opponents and brought the captured ship to Southampton. However, because a great part of the merchandise belonged to French merchants and there was

a truce with France, the king ordered it to be kept by the citizens of London with a just valuation.

[1226] In the same year cardinal Romanus, legate of the apostolic see, was sent to France to advise Louis the king to restore to Henry, king of England, Normandy, Anjou and Aquitaine. When he had taken counsel with John, king of Jerusalem, and his other barons, he replied that he would not restore to the English one foot of the land which his father Philip had left him when he died.

[1227] In the same year Romanus, the legate to France, completed his embassy and departed. On his departure the king of France held a council at Loudun, and there made a settlement with his adversaries and received their homage. The terms were that he should assign an annual payment to Hugh, count of La Marche, husband of Isabella, queen of England, on behalf of the dowry which was owing to her from the land of King John which he had held on the day of his marriage. And he received the daughter of the count of Brittany as wife to his younger brother (Charles of Anjou), to whom he gave the county of Anjou. The count of Brittany was to have the boy and girl in his keeping until they were of age, and meanwhile he was called count of Anjou. To the count of Champagne he restored the two castles which Philip, king of France, had taken from him in his own province. When the realm was thus at peace, he prospered and increased in strength and manhood. Then by the advice of his great nobles he sent a force to the help of the army which his father had left among the Albigensians. So were frustrated the hopes of the king of England in regard to the suggested confederacy with the count of Brittany and the Poitevins, albeit the archbishop of York, the bishop of Carlisle and other weighty messengers had laboured for it amid great dangers and at a great expense.

21.

[Letter from Henry III. to Louis IX., April, 1229. Close Rolls, 1227-1231, pp. 236-7.]

To his beloved kinsman Louis, by God's grace illustrious king of France, Henry by the same grace king of England, etc., greeting.

In regard to the seizures and injuries done to your people against the form of the truce made between you and us for which your highness asks amends, we inform your lordship that we have been and are always ready for this. This is clear from the fact that the injuries done to your people, of which some complaint has reached us. we have caused to be amended, yet to none of our own folk has any kind of recompense hitherto been made for the seizures inflicted upon them. We therefore ask your highness to cause amends to be made to our people according to the form of the said truce. We will shortly send to your country our messengers to make amends to your people and to receive the amends due to us and ours. But do you, if it please you, assign to our messengers for the negotiating of the said amends a place above suspicion, and to which there is safe access without peril to the bodies or goods of themselves and their men.

22.

[Instructions to commissioners employed to negotiate peace with France. April, 1229 (?). Royal Letters, i., no. cclxxxviii. (Chancery Miscellanea, 27/1/5).]

I. First Proposal.—First let it be proposed that all lands across the sea shall be restored to the king of England, except Normandy, and in Normandy there shall be retained for the king's use one or two bishoprics for the sake of transit to the said lands; namely, the bishoprics of Avranches and Coutances.

II. Second Proposal.—The same form shall be preserved for the said lands and for Normandy, with the exception of the said passage.

III. Third Proposal.—If the said forms can be amended through a marriage between the kings and their sisters, let them be amended as shall seem most expedient, either through one marriage only or through two.

IV. Fourth Proposal.—If none of those forms be accepted, let Normandy remain for ever, and let the following lands be given as a marriage portion with the king of England's sister, namely, Anjou on this side of the Loire, and all Maine, with the proviso that if there is an heir, let it remain to the heir, and if there is no heir, let it revert to the king of England. If it cannot be done in this way, let something more be offered by the envoys.

V. Fifth Proposal.—If any of these forms can be amended by money, let them be amended by money.

23.

[The negotiations fail, and war with France is declared. Henry takes the field in person. Letter of Ralph FitzNicholas to Ralph, bishop of Chichester, the chancellor, and Stephen de Segrave. June, 1230. Royal Letters, i., no. cccvii. (Ancient Correspondence, vi., 110).]

Your lordship may know that the lord king and the lord justiciar and the magnates of England are well and safe, and they desire to know and hear the same of you. On the Saturday following the feast of Holy Trinity, when the bearer of these present letters left us, our lord the king was at Nantes, where he will tarry for the next week awaiting and drawing to himself the magnates of Poitou. On that Saturday came the king of France with a great army to Champtoceaux, intending to go before Nantes or towards Rennes in Brittany. Meanwhile, you should know, the count of La Marche entirely forsook his loyalty

and service to our lord the king and rode with the king of France, because the said king of France had given the said count very great gifts and new agreements had been made between them. But I think more Poitevin barons will come to the service of our lord the king [the names of seven follow] by whom the king will be enabled to ride well and safely through Poitou to Gascony, and, should need arise, he may well return to Brittany. Also I entreat you to inform our lord the king more frequently of your state and that of the land of England, because it is most surprising that you have not despatched a messenger to him.

24.

[Little is accomplished and Henry returns. Letter of Henry III. to Geoffrey of Lusignan. September, 1230. Close Rolls, 1227-1231, pp. 450-1.]

We signify to your affection that, because of an illness which for a long time has gripped and most grievously afflicted us over here, and also because of the illness of our dear brother Richard, count of Poitou and earl of Cornwall, which lately laid hold upon him so that he has not yet recovered, and especially that we may provide ourselves for the future with both men and money so that we may be able to return in stronger force and more powerfully and more firmly resist our enemies, we are now returning to England.

We indeed leave behind us our dear and faithful Peter duke of Brittany and earl of Richmond, Randulf earl of Chester and Lincoln, and the earl Marshal, to carry on our war and defend our rights, and yours, against our enemies. We have especially commanded them to give due consideration to your affairs and those of our other faithful men as if they were our own. We write therefore and ask you, as you love us and our honour, and as we trust in you to

be willing to support, advise, and help our said lieges. So that our and your honour may alike be increased thereby, and we may hold your loyalty in esteem.

25.

[The king inclines to unpopular methods of government. Letter from Richard de St. John, a chaplain, to Ralph, bishop of Chichester, the chancellor. June, 1230. Royal Letters, i., no. cccx. (Ancient Correspondence, vi., 130).]

By I know not what or whose instigation, or rather sinister and poisonous suggestion, the royal will has burst forth so vigorously that contrary to the sound counsel of his justiciar and all his advisers, he despatched solemn messengers from Nantes to Rome on the feast of St. John and St. Paul to ask for a certain legate, John de Columpna, with letters and all other things that can be of use in obtaining the said legate.

Though before the departure of the said messengers I strove to the best of my ability, for I considered the many and great disadvantages which would result from this demand for you and the other prelates of England, and indeed inevitably for the whole Church of England, yet I could not in any way, either by myself or through my lord the justiciar, change the king's designs while he was on fire with them. But after the said messengers had begun the journey mentioned, I did not cease by day or night to insist to my lord the justiciar that in every way he should put forward entreaties by which the coming of the legate before mentioned might be prevented. I laid before him the oppression of the clergy and people and the unheard of subjection of the English Church, with many other great perils lamentably following from that. He considered these things and inclined his ear and acquiesced the more easily because hitherto he had had the Church and her

prelates in all things his protectors and supporters. Wherefore he undoubtedly shudders and has shuddered at their danger, regarding it as his own, and by the inspiration of the Holy Spirit and on my increasing representations, my said lord did not cease to insist in the king's presence by many warnings, until he induced the king's mind to recall the said messengers. At length, at the moment when these present letters have been despatched, they have been recalled by other messengers and other royal letters.

26.

[Attacks are made upon foreign clergy promoted by the pope in England, 1232. Wendover, iv., pp. 240-1. The words in brackets are added by Matthew Paris.]

In the same year almost everywhere in England the barns of the Romans were plundered by unknown and armed men, on good conditions and to the profit of many. Rash though it was, they began this work at Eastertide, and finished what they had begun freely and unopposed. They gave alms to all the poor who came for them and sometimes threw money among them and bade them pick it up. The clerks took refuge in monasteries, but they did not dare to complain of the injuries done to them for they preferred to lose their property than be punished by an extreme sentence. This bold attack was the work of about eighty men and sometimes fewer, led by [Robert Twenge, a knight of noble birth who disguised himself under the name of William Wither, and whose orders they obeyed in everything. When after a time the pope heard what was happening, he was exceedingly angry, and sent bitter letters of reproof to the English king because he allowed such attacks to be made on ecclesiastical persons in his realm, in spite of the oath which he had sworn at his coronation not only to maintain the peace of the Church,

but also to uphold strict justice for both clerks and laymen.

27.

[Hubert de Burgh is appointed justiciar of Ireland for life. June, 1232. Letter of Henry III. to the bishops, earls and others of Ireland. Pat. Rolls, 1225-1232, pp. 484-5.]

Know that we have granted and by our charter confirmed to our beloved and faithful Hubert de Burgh earl of Kent, our justiciar of England, the justiciarship of our land of Ireland to hold throughout his life with all the liberties and free customs belonging to that justiciarship, in such wise that, should he be outside our land of Ireland on our service, with us or without us, or by reason of a journey, or for any other reasonable cause whatsoever, or if also he should be prevented through bodily infirmity or sickness in Ireland or in England from fulfilling the duties of the above-mentioned justiciarship of Ireland in his own person, he may carry on the above-mentioned justiciarship through his discreet and faithful attorney whom he shall have assigned to his place; provided that he whom he shall have assigned shall first be presented to us and swear fidelity to us for his faithful service, as is more fully contained in our charter which we cause to be made thence for him. We thus command you to be attentive and answerable to our afore-mentioned justiciar of England in all things pertaining to the justiciarship of Ireland.

28.

[Fall of Hubert de Burgh. He had been deprived of the justiciarship of England, 29 July, 1232. Rot. Pat., 17 H. III., m. 9d.]

This is to notify all Christian people that the king having lately received a mandate from the pope touching the correction of trespasses committed against the Church of Rome and Italian clerks and others in England, found on enquiry that the said trespasses were done by Hubert de Burgh during the time of his justiciarship, and ordered him to be arrested and brought before him. Hubert was warned and fled to a chapel, from which he was dragged by his pursuers, though they were not ordered to do this, and brought to London. The king, however, respected the liberty of the Church and had him taken back. After many days when he was asked if he would leave the chapel and stand his trial, he at length of his own will chose to come out for trial. He craved the king's mercy, however, and so came out, and the king's bailiffs then present received him, and brought him to London and delivered him to the constable of the Tower.

As the king was in doubt whether he came out of his own will or by compulsion, he sent to him Stephen de Segrave, by this time justiciar, John de Lacy earl of Lincoln and constable of Chester, Brian de Lisle and others, and in answer to their questions Hubert said that he came out of his own will and not by compulsion or for lack of victuals, but to do the king's will as to his lands, his goods and his body, and he was sorry that he had stayed there so long.

Afterwards when the king had as yet granted him nothing thereof because many fresh charges were brought against him, as well of the death of men as of the disinheritance of many persons, and other crimes, the king ordered him to be delivered from the custody of the constable so that he might freely appear at his court to answer for his trespass against the pope, against the king and against all others. So he came to Cornhill in London on the eve of St. Martin [10 Nov.], and appeared before Richard earl of Cornwall and count of Poitou, William earl of Warenne, Richard Marshal earl of Pembroke, John earl of Lincoln and constable of Chester, the justiciar, Stephen de Segrave, Ralph FitzNicholas and

others. He made no defence, but answered as before that he would in no wise submit to judgment, but he simply and entirely placed himself at the king's will, as well as to his body as to his lands and all other things.

At length the king, moved by pity, at the instance of the magnates of England and at the petition of Hubert and his relatives and friends, and with the permission of the complainants, respited the judgment, although the judgment had already been made in court, whereby he and his, in view of the peril of his body and of the disherison of his heirs, of free will granted the following provision:

"That all the lands, tenements and liberties in all things which he held of the king in chief and of King John should remain to the king for ever, as well wards, bailiwicks, and other things; all charters and chirographs which he had of them should be surrendered to the king, and if any should be found hereafter, they should be annulled.

"That Hubert and his heirs should retain the lands which had descended to him from his ancestors and all lands which he held of the gift of other than the king, on condition that he should answer all complainants in respect thereof.

"That all other chattels should remain to the king, whether gold, silver, money or other movables, and that his body should remain at the castle of Devizes in the custody of Richard earl of Cornwall and count of Poitou, William earl of Warenne, Richard Marshal earl of Pembroke, and John earl of Lincoln and constable of Chester, until he should take the habit of the Templars, which he had sought before, but cannot now take because he is married, or until he should be liberated by the common counsel of the king and of all the barons, his keepers, and the other magnates of the land; and if anyone of the said keepers die, the rest shall take to themselves another in his place,

"Also Hubert while in prison, if he held any land unjustly, might surrender it if he willed, notwithstanding that it might be in the custody of the said keepers.

"Further, if he should get out of prison in any other way, contrary to the above provision, then the above judgment shall be pronounced against him, and he shall be dealt with as an outlaw, and all the lands given to him of the king's grace be forfeited and remain to the lords of the fees,"

And the king granted that he would do him no other grace or cruelty than the above.

29.

[Misgovernment by Peter des Roches, bishop of Winchester, and his Poitevin friends. 1232-1234. Wendover, iv., p. 263.]

In the seventeenth year of his reign Henry, king of England, held his court at Christmas [1232] at Worcester, where, it is said, by the advice of Peter bishop of Winchester, he removed all the native born ministers of his court from their offices, and replaced them by foreigners from Poitou. Also he expelled William of Rodune, a knight who was deputy for Richard the great Marshal at the king's court, at which Richard was exceedingly vexed.

Also the king by the same advice expelled Walter bishop of Carlisle from his office of treasurer, then took from him a hundred pounds of silver, and shamelessly deprived him of certain custodies which he had confirmed to him for life by charter. Indeed so hastily did he cast away all his own counsellors, both bishops and earls, barons and nobles of his realm, that he trusted no one save the said bishop and his son Peter of Rivaux. Wherefore the custodians of castles all over England were expelled and the king handed over the custody of them all to Peter. Then Peter bishop of Winchester to obtain the king's favour more freely, drew into his fellowship Stephen de Segrave,

a pliant man, and Robert Passelew who kept the king's treasure under Peter of Rivaux; and thus it came about that all the affairs of the realm were carried on by the advice and at the wish of these persons.

30.

[Before armed opposition breaks out certain broad hints are dropped. 1233. Matthew Paris, Chron. Maj., iii., p. 244.]

At this time Peter bishop of Winchester and his accomplices had so surely turned the king's heart to hatred and scorn of the English that he was in every way seeking their overthrow, and little by little he invited such legions of Poitevins that they almost filled the whole of England, and wherever the king went he was surrounded by hosts Nor could anything be done in the realm except what the bishops and the crowd of Poitevins chose. Then the king sent out letters summoning all the earls and barons of the realm to an assembly at Oxford on St. John's day [24 June]. But they refused to come at his summons, partly because of the plots of the foreigners and partly because of the indignation that they had conceived against the king who had called in foreigners in contempt of these same barons. And when they had announced this to the king by solemn envoys, he was extremely angry and ordered that it should be decided judicially in wnat way he might compel them to come to his court. Then it was adjudged that they should be summoned a second and a third time by the king to prove if they were willing to come or not. But in this discussion a certain friar, Robert Bacon, of the order of Preachers, who was preaching the word of God before the king and certain bishops who were present, openly and without restraint told the king that he would never enjoy lasting peace till he removed Peter bishop of Winchester and Peter of Rivaux his kinsman from his councils. When others who

were present protested likewise, the king coming to himself somewhat inclined his heart to reason, and when a certain witty clerk of the court, namely Roger Bacon, saw him thus softened, he said gaily and merrily but with a hint of blame, "My lord king, what most harms and terrifies sailors at sea?" When the king answered, "They who have their business in the great waters know," the clerk said. "my lord, I will tell you: rocks and stones [petrae et rupes]. That is as though he said "Peter des Roches" [Petrus de Rupibus], for this was the name and surname of the bishop of Winchester. So the king bade the aforenamed magnates come to a conference at Westminster on 11 July, and there by their advice he would amend whatever he knew by right should be corrected. But when the said magnates heard that little by little many robbers were uniting in the kingdom at the king's invitation with horses and arms, seeing no signs of peace, and suspecting the inborn cunning of the Poitevins, they refrained from coming on the appointed day, but sent formal envoys to the king bidding him without delay turn out Peter bishop of Winchester and the other Poitevins from his court. But if he did not, they themselves by the common counsel of the whole kingdom would drive him and his evil counsellors from the country and would take steps towards making a new king.

31.

[The king takes the manor of Upavon from Gilbert Basset and there follow open hostilities in which the insurgent barons deliver Hubert from prison and ravage the lands of Stephen de Segrave, the justiciar. Gilbert Basset has to answer the king by what warrant he occupied the manor of Upavon, Wiltshire, which King John gave to Peter de Maulay. 1233. Bracton's Note Book, ii., case 750.]

Gilbert came and said that after the war which arose between King John, father of the lord king, and the barons, it pleased the present king and his council to make an inquisition into the escheats in the land, and he was given to understand that the manor of Upavon ought to have escheated to him from the lands of the Normans. Therefore he caused Peter de Maulay who then held that manor to be summoned to reply by what warrant he held that manor. On being summoned he came before the lord king and acknowledged that he held that manor because King John had handed it over to him at his pleasure, and he returned it to the lord king to do his will thence, as he had heard say. The lord king handed over the said manor to the said Gilbert to hold at his pleasure, and afterwards, because the said Gilbert was of his household, the said king gave him that manor to hold of the lord king and his heirs by his charter, which he brings forward, and in which it is testified that the king gave to the said Gilbert and confirmed by his charter the whole land with its appurtenances which was in the possession of Ralph of Tankerville the chamberlain in Upavon and which the said Gilbert had before of the king's grant to hold, etc. of the king and his heirs with all its appurtenances, as the said Ralph held that in his hand, until he shall have restored it to the heirs of the said Ralph at his pleasure or because peace has been made. . . .

And Gilbert released to the king his fee which he owed him almost two years.¹

And Peter is present and says that he was never summoned on that count and that he did not restore that for nothing either to the king or to anyone else, but rather through fear and the threats brought against him by H. de Burgh, then justiciar of England, and his men, who threatened him that unless he restored that he would put

¹ Basset had been in receipt of a salary of £20 from the Exchequer, from which, in consideration of the above grant, he released the king for two years.

him in such a place that he would not see his hands or his feet, so he says that he was disseised unjustly and without judgment, and he asks for seisin such as he had before, and he well says that King John gave him that in return for his homage and the present king took his homage thence.

And Gilbert asks that it be granted him, because the said Peter acknowledged that he restored that manor, and he asks that the lord king warrant him that charter and his gift because it does not rest with him nor concern him to answer touching the violence or the threats made against him, because only the lord king does he answer and he relies on his charter and the seisin which he has of the same.

And Peter, questioned about the violence and the threats made against him and what sort of proof he had thence, says as before that threats were made against him and produces suit for it by which this is testified. He shall have the greater suit thence on another day, if there be need, and he asks that it be granted him because Gilbert has not shown that he, Peter, had never been summoned thence.

And Gilbert says that it does not concern him because he is bound to reply only to the lord king and asks that the lord king warrant him his charter.

32.

[Hubert de Burgh and his rescuers are outlawed. November, 1233. Henry III. to the sheriff of Wiltshire. Close Rolls, 1231-1234, p. 545.]

Well we remember that when Hubert de Burgh escaped from our prison to the church of Devizes, Richard Siward, Gilbert Basset and his companions whose names we send

¹ At the end of September he escaped from his cell, took sanctuary in the parish church of St. John's, was torn from the altar, replaced and finally rescued by Siward and Basset.

you, withdrew from the said church Hubert himself, William de Millers, Thomas Chamberlain who were with him in the church, against our peace through the assent and wish of Hubert himself, and took them by force of arms to the land of earl Richard Marshal, where they are still. Therefore we command you that you shall cause Hubert, William and Thomas to be cried, exacted and demanded from county court to county court, so that they may be outlawed according to the law and custom of our realm; 1 for one county court set aside for them they were indicted and demanded in the presence of our justices assigned for this, but they refused to come to our place. Also cause to be cried and demanded the said Richard, Gilbert and others whose names we send to you, and all those concerning whom you can inquire because they were implicated in the robbery, from county court to county court so that through the suit and appeal of those who were appointed to the custody of the said Hubert, they may be outlawed according to the law and custom of our realm.

Afterwards the same sheriff was commanded, notwithstanding that mandate, to cause them to be cried and demanded at those county courts, and cause them to be outlawed at the fourth county court according to the law and custom of the realm.

33.

[Through the influence of Edmund Rich, archbishop of Canterbury, Henry III. is prevailed upon to dismiss Peter des Roches and the foreigners. April, 1234. Matthew Paris, Chron. Maj., iii., p. 272.]

At last there came to a conference at Westminster on the first Sunday in Passiontide, which was then on

¹ See Pollock and Maitland, *History of English Law*, second edition, ii., p. 581.

9 April, the king with the earls and barons and the newly consecrated archbishop with his suffragan bishops, to take measures for the peace of the disturbed realm. The archbishop, associating with himself the bishops and other prelates who were present, came to the king and showed him his and the bishops' opinion on the desolation of the kingdom and the peril threatening it. . . . He also in so many words warned him that unless he quickly forsook his erring ways and came to peaceful terms with his subjects, he would at once, with all the prelates who were present, pronounce the sentence of excommunication against the king himself and against all the other enemies of peace and destroyers of concord. When the pious king heard the counsel of the prelates, he humbly replied that he would submit to all their counsels. So, after a few days, understanding his own error and moved by penitence, he ordered Peter bishop of Winchester to go to his diocese and turn his attention to the care of souls, and henceforth to meddle no more with the king's affairs. Also he finally ordered Peter of Rivaux, at whose disposition the whole of England lay, to restore his castles, immediately render an account of his treasures, and withdraw from the court, affirming with an oath that if he had not been a beneficed clerk he would have had both his eyes put out. Besides he expelled all the Poitevins from both his court and the custody of castles and sent them back to their own land

34.

[The outlawry of Hubert de Burgh, etc., reversed. 1234. Bracton's Note Book, ii., case 857.]

Gilbert Basset, Richard Siward, Philip Basset, Hugh of Watford for themselves and the others who were with Richard, earl Marshal, came before the lord king at Gloucester. After the lord king had taken them back into his favour, they begged him and his court to certify whether they were outlawed on the occasion of the war between the lord king and the said Marshal, or not, and if they were outlawed, they sought on behalf of themselves and the others that the lord king should learn through his court whether the outlawry was done justly or not, and according to the custom of the realm, and if it were done quite unjustly, they asked that this should be amended for them in his court. And because the lord king wished to show justice to each one in his court, on the Saturday next after the Ascension of our Lord [27 May], he summoned all the magnates available to his court, to wit, the lord archbishop of Canterbury [Edmund Rich], the bishops, the earls and others before whom the manner and the nature of the outlawry were exposed: when the plea was brought in the lord king's court between the said Gilbert and Peter de Maulay concerning the manor of Upavon, the said Gilbert immediately asked for judgment, but he could not have a judgment because the justices of the lord king and the magnates who had been present when the judgment was made would not pass judgment on the lord king's charters, whereby the lord king of his own will disseised Gilbert and handed over that manor to Peter. Afterwards indeed, because it was suggested to the lord king that the said Gilbert was pledged to have said certain words at Northampton in contempt of the lord king for which he was not convicted, and on account of other things for which strife arose between the lord king and Gilbert at Stratford, the lord king ordered that he should be disseised of his other lands, and he exiled him from his land. Afterwards indeed when peace was being discussed between the lord king and the said Marshal, which peace was attained, and afterwards when by means of those with the Marshal in his enterprise H. de Burgh was brought from the church of Devizes into which he had fled, the

lord king commanded by his letters to Ralph of Willington, then constable of Devizes, and Walter of Godarvilla and other knights of the county of Wiltshire that they should cause Gilbert and the others to be exacted in the county court from court to court until they were outlawed. the knights and others of the county caused a champion to accuse them in the county court of the robbery and abduction of Hubert from the monastery so that they were outlawed through his suit. And besides the lord king came and made recognisance and recorded that the said Marshal, Gilbert and the others before that outlawry many times through solemn messengers and through letters asked for mercy, or that with a safe conduct they might go to the lord king's court and there stand the judgment of their peers. This indeed was denied to them, except in this form, to wit, that each one in his own person and alone should come and return, unless the judgment pressed hard upon him. And many bishops and many others present testified to this. And since the aforementioned abduction of Hubert was done in time of war, and moreover no one should have outlawed him save by appeal rightfully, or by the suit of the lord king where the opinion of the countryside accused someone, or because of sedition against the lord king or some other open transgression against the peace of the lord king, and this in time of peace, and the above mentioned were in time of war, and moreover because it was testified that the said champion did not appeal them of any robbery committed against himself, but only of transgression done against the lord king, and because he appealed on behalf of the county of Wiltshire concerning a transgression done against them, to wit, the abduction of the said Hubert, which transgression related to the lord king, and because the lord king recognised that they were always offering by letters and by messengers to come to the court and stand

their trial, it is considered that there was no outlawry and henceforward it should be held for naught. Therefore it was commanded to all the sheriffs of England that because of that outlawry to no one of them should they cause annoyance or allow it to be caused. This judgment was made on the said Saturday in the eighteenth year of the reign of King Henry, son of King John, in the presence of those mentioned above.

Moreover the said Gilbert and the others asked that the losses brought upon them before that outlawry should be made good to them by those by whose counsel they were brought upon them.

The said Hubert de Burgh even came in the same way to the lord king with the above mentioned, and placed himself entirely at the king's mercy, showing how through certain of his rivals he was badly treated, and how through the lord archbishop of Dublin and through others he always sought the lord king's mercy, and how he did not dare to go to the lord king before. And the lord king pardoned him his escape from Devizes castle, for which escape he was outlawed. And because it was not because of sedition he was imprisoned, nor accused after his escape of robbery or any other transgression, nor through the suit or appeal of anyone was he exacted or outlawed, nor also was it usual for anyone to be outlawed after escape, unless transgression or wrong-doing ensued, since then that escape alone would suffice to condemn evildoers, it is considered as before that there was no outlawry and henceforward it should be held for naught. And so it was commanded to the sheriffs as hefore.

35.

[Marriage of Henry III. January, 1236. Matthew Paris, Chron. Maj., iii., p. 334 et seqq.]

In the twentieth year of the reign of King Henry, the king held his court at Christmas [1235] at Winchester,

and there he kept Christmas with rejoicing, eagerly awaiting the coming of his messengers. For he had sent solemn and prudent men to Provence, to its count Raymond, with letters expressing his great wish to marry the count's daughter, Eleanor. Now that count was a famous man, and a vigorous warrior, but because he was constantly fighting, nearly all his treasure had flown to the winds. He had married the daughter of count Thomas of Savoy, now dead, sister to Amadeus the present count, a lady of wonderful beauty named Beatrice. She had borne to her husband, count Raymond, very beautiful daughters, as was to be expected, and the king of France, Louis, had taken to wife the eldest, Margaret. John of Gaddesden, clerk, told all this to the king. Now the king of England by his messengers sought in marriage the youngest daughter, who was at this time twelve years of age and very fair to see. He had secretly sent in advance Richard prior of Hurley, who performed his task faithfully and diligently, and returning to the king told him what he had done. Then the king sent out other envoys to the count with the said prior, Hugh bishop of Ely, Ralph bishop of Hereford, and brother Robert of Sanford, master of the order of the Temple. They met him in Provence, were welcomed with the deepest honour and reverence, and received from his hand his daughter Eleanor, to be married to their king and taken to England, but under the escort of her uncle William, bishop elect of Valence, a handsome and distinguished man. When the king of Navarre heard the news, and that they would pass through his lands, he hastened in joy to meet them. And he led and accompanied them all through his land, for five days' journey and more, and with his natural generosity entertained them with lavish outlay on both horses and men, for in addition to the crowd following them, more than three hundred rode with them. When they came to the

French frontier, their passage was not only free but honourable, for the king of France, the queen, sister of the bride that was to be, and Blanche, the French king's mother, escorted them. They embarked at Wissant, hastened across the sea, and reached Dover sooner than was expected. They landed safely and were on their way towards Canterbury when the king hastened to them and embraced the envoys. When he had seen and welcomed the maiden he married her at Canterbury. On 14 January the marriage ceremony was performed by Edmund, archbishop of Canterbury, with the bishops who had accompanied the bride, and other magnates, nobles and prelates. On 19 January the king reached Westminster, and on the next day, a Sunday, with unheard-of and incomparable solemnity, Eleanor wore the crown and was crowned as queen.

36.

[On his own application Henry III. receives a legate from Rome. 1237. Matthew Paris, Chron. Maj., iii., pp. 395 and 403.]

In the same year about the feast of the apostles Peter and Paul, Otto, cardinal deacon of St. Nicholas in carcere Tulliano, came, though no one knew why, as legate to England, at the bidding of the king, but without the knowledge of the magnates of the realm. Therefore many became indignant against the king and said: "The king takes no notice of the laws, his pledges and his promises. He goes astray in everything, for but now he took a stranger to wife without the advice of his own friends and natural subjects, and now to the confusion of the whole realm he has secretly called in a legate. One moment he gives away his possessions, the next he wants to have back his gifts." So from day to day the kingdom, divided against itself and wasted, was, in the words of

the gospel, brought to terrible desolation. Now it was said that Edmund, archbishop of Canterbury, rebuked the king for such deeds and above all for calling in the legate. for he knew that this would endanger the realm and prejudice his own dignity. The king, however, scorned his advice, as well as that of others, and refused to change the plans he had made. Accordingly the legate came with great pomp and circumstance, and the bishops and prominent clerks hastened to the coast to meet him. Some went to him in boats and offered him praises and precious gifts. Nay, even at Paris messengers from the various bishops met him and gave him scarlet cloths and costly vessels. They deserved general blame for this, not only for the gifts but for the way they gave them, for by the cloth and its colour they implied that they accepted him, and his coming, as legate. He did not accept all, but some of the presents offered to him, though he ordered to be kept for him those that he refused. To all whom he had brought with him, whether they were worthy or not, he lavishly distributed revenues. The king hastened to the coast to meet him, and bowing down at his knees, zealously escorted him inland. Then the bishops, the abbots and other prelates of the church, received him with all honour and reverence, with processions, chiming of bells and costly presents, as was fitting, and even more than fitting.

... The lord Otto the legate, however, bore himself discreetly and humbly, and, contrary to the usual custom of the Romans, he refused many of the most valuable gifts offered him. So by his unexpected moderation, he calmed the anger which had risen against him throughout the country both among the clergy and among the knights.

37.

[Settlement with Scotland. 1237. Fadera (ed. of 1816), I., i., p. 233, from Rot. Pat., 21 H. III.]

Be it known to present and future that this is the treaty made at York in the presence of the venerable father lord Otto, cardinal deacon of St. Nicholas in carcere Tulliano and then legate of the apostolic see, between the lord Henry king of England, and the lord Alexander king of Scotland, touching all the complaints which the said king of Scotland brought or could bring against the said king of England until the Friday [25 September] next before the feast of St. Michael, in the year of grace 1237:—

The said Alexander king of Scotland has remitted and quitclaimed for ever for himself and his heirs to the said Henry king of England and his heirs the said counties of Northumberland, Cumberland and Westmorland and all the said money [15,000 silver marks received by John from William the Lion in 1209 when his daughters Margaret and Isabel were placed in John's hands on the understanding that Margaret, who actually married her guardian, Hubert de Burgh, should marry the young Henryl, and all the conventions made between the said John king of England and the said William king of Scotland in regard to the marriages to be made between the said Henry king of England or Richard his brother and Margaret or Isabel sisters of the said Alexander king of Scotland, and likewise the conventions made between the said Henry king of England and the said Alexander king of Scotland on the marriage to be contracted between the said Henry king of England and Margaret sister of the said Alexander king of Scotland.

For this remission and quit claiming the said Henry king of England has given and conceded to the said Alexander king of Scotland lands to the yearly value of £200 within the said counties of Northumberland and

Cumberland, if the said lands can be found in the counties outside towns where castles are situated. If there be any failure herein, let it be made up to him in equal and neighbouring places to the said counties of Northumberland and Cumberland.

There must be given therefrom yearly a sore goshawk to the king of England and his heirs at Carlisle by the hand of the constable of the castle of Carlisle whoever he shall be, on the feast of the Assumption of the Blessed Mary [15 August], for all services, customs and other demands which can be exacted from the same lands.

It is conceded also by the said king of England that all pleas which may henceforward arise in the said lands, and which were as a rule held before the justices of the Bench or before the English king himself in his itinerary, shall henceforward be pleaded in the court of the king of Scotland and his heirs, through the return of a writ of the English king and his heirs, which their sheriffs shall cause the same bailiffs to have, if those pleas can be held and determined there by the law of England.

The pleas which cannot be determined there before the said bailiffs by the law of the land may be held and determined before the justices of the lord king of England and his heirs on their itineraries, at the first assizes within the counties in which those lands may be at the first coming of the justices, before any other pleas are held, according to justice, in the presence of the seneschal of the said king of Scots sitting as a justice for holding those pleas; so that the bailiffs or men of the king of Scotland shall not go out of the counties in which the said lands may be for any summons or any plea touching the said lands.

Then the pleas of the crown when they arise in the said lands, shall be attached by the bailiffs and coroners of the king of England, in the presence of the bailiff of the king of Scotland, if he wish to come when asked.

Concerning other pleas, if any of his men there of the said lands shall be convicted of felony, after the judgment has been made, let justice be done through the bailiffs and men of the king of Scotland and his heirs.

Also all amercements and escheats and the profits from the said lands, from a year and a day, of the said king of England and his heirs, from the lands forfeited through felony as well as from all other issues, from pleas of the forest as well as from all other pleas touching the men of the said lands, shall remain to the king of Scotland and his heirs for ever, and if by chance it shall happen at any time that the king of Scotland or his heirs shall be impleaded concerning the said lands or any part of the same, the said king of England and his heirs shall for ever warrant and defend for the king of Scotland and his heirs the said lands just as he has given them to him.

So that on account of that plea it shall not be necessary for the king of Scotland and his heirs to go to the court of the king of England to reply to anyone thence.

And the said king of Scotland did homage to the said Henry king of England for the said lands, and swore fealty to him.

38.

[Marriage of Simon de Montfort to Eleanor, the king's sister. 1238.

Matthew Paris, Chron. Maj., pp. 470-9.]

In the year of Our Lord 1238, which was the twenty second of his reign, King Henry held his court at London at Westminster. And there on the day after the Epiphany, a Thursday [7 January], Simon de Montfort with due ceremony married Eleanor, daughter of King John, sister of King Henry III., and widow of William Marshal earl of Pembroke—Walter, chaplain of the royal chapel of St. Stephen at Westminster, said the service and celebrated mass in the king's little chapel which is in a

corner of his chamber. The king himself gave away the bride to the said Simon earl of Leicester, and he received her gratefully partly for love of her, partly for her beauty, partly for her honourable estate, and partly for her royal and distinguished birth, for she was the offspring of a king and queen, and furthermore was sister of a king and empress, and a queen. And the pope gave him a dispensation to marry her.

When earl Richard [of Cornwall] heard that this secret marriage had been performed, as aforesaid, without the knowledge and consent of the magnates of the land, he was justly fired with anger, particularly as the king had often vowed that he would undertake no matter of difficulty without the advice of his subjects and of the earl above all. So he rose and attacked the king with words of warning and threats.

In his rising earl Richard was supported by earl Gilbert Marshal and all the earls and barons of England, as well as by the citizens and the people generally, for they were confident and hopeful that earl Richard would free the land from the miserable slavery to the Romans and other foreigners under which it groaned, and everyone from boys to old men constantly heaped blessings upon him. No one stood by the king, except Hubert, earl of Kent, and from him there was no evil to fear, because he had sworn never to bear arms, and because he was an old man whose discretion had often been put to the test.

However, when Simon de Montfort saw that the hearts of the king and earl Richard and all the magnates were turned from him, and that the marriage between him and the king's sister was in the eyes of many now completely annulled, he was exceedingly grieved. He took ship and sailed away secretly after extorting a huge sum of money from all sides.

39.

[Disastrous expedition to Gascony. Letter from Henry III. to the Emperor Frederick II. September, 1242. Close Rolls, 1237-1242, pp. 530-2.]

Desiring to inform your highness as to the doings and course of events here, we inform you that, under the pledge of certain pacts and treaties entered into between us and Hugh, count of La Marche and Angoulême, and Isabella queen of England, his wife and our mother, at the bidding and by the advice of them and of certain other nobles of Poitou whom we believed to be steadfast in their loyalty to us, we came to Poitou with a few of our English subjects, and for some time remained at Pons conferring with the said count of la Marche and others then present as to how we ought to proceed against the king of France, who, contrary to the truce made between us, had by himself and his men made serious incursions both against us and against certain of our men. At last by their counsel we caused the said king to be asked once and again by our solemn messengers whom we sent to him, to have amends made for those incursions. But though the said king replied with sufficient courtesy to our messengers that he would freely make amends to us and ours for whatever through him and his men had been done against us and ours, while we should do the same for him and his, when on two or three days given for this we sent our faithful men to make and receive amends for the said incursions, the French king's messengers meeting us on one of those dates, conferred with our envoys for a long time, but departed with the business unfinished. another day or two, though we came to a certain place assigned for the purpose prepared to do what right demanded, they did not appear. Therefore it afterwards seemed to us and our council that thereafter we were not bound to keep the truce with the king, as it was his fault that satisfaction for the incursions had not been made, and we afterwards signified the same to the said king.

Thus as the truce lapsed through his fault, by the counsel of all our faithful men we began to make war upon him, and we are certain that, with the help of Divine Grace, our expedition would have prospered, if the said count of La Marche and our other men of Poitou had helped us faithfully and stood firmly by us, but the affair has turned out contrarily, as will be evident from what follows.

Proceeding thereupon from Pons to Saintes, where we delayed for some days, we afterwards came to Tonnay on the Charente. There we broke in to harass that king who besieged the stronghold belonging to the said earl and his men and occupied it for himself. This was not surprising, for the count had left that and other strongholds undefended and without a trustworthy garrison. While indeed we remained in the stronghold at Tonnay, negotiations were proceeding between us and Geoffrey of Rancogne, lord of Taillebourg, with a view to his returning to our service and loyalty; and in hope of this we granted to him a truce that we should not vex him. Nevertheless we came with all our army before the town of Taillebourg and camped in the meadows there. And we should have been able either to have taken that town with the castle, if we had crossed the river Charente at Tonnay, or, remaining at Taillebourg, have broken down the bridge of that town, so that the French king, who was on the other side of the river, should have no way of crossing towards us, had we not handed it over to the said Geoffrey of Rancogne through the crafty device of the said count of La Marche and Reginald of Pons. Trusting therefore that the said Geoffrey had returned to his loyalty to us, as he had given us hope, we turned back to Saintes; but while

we delayed there, like a faithless man and unmindful of his promise, he stood more firmly by the French king against us. When we heard that the king was drawing near to Taillebourg from the other side of the said river, we went thither to prevent him crossing. When indeed we could not do this, because we had brought few warriors with us from England, and because of the power of that king which we saw to be far greater than that of our forces, by the counsel of all our faithful men we returned thence to Saintes.

On St. Mary Magdalene's day [22 July], after the said king had crossed the bridge at Taillebourg, his people, thinking to have occupied the town of Saintes where we were, while we were at table or sleeping, came thither in force with an impetuous multitude. But our men, thank God, though unprepared and taken by surprise, came out against the said people and vigorously withstood them and coming to blows engaged in a fierce and violent contest with them in which many of the French king's army were killed, many wounded, and many taken captive. Likewise of our men some were captured and some wounded, and at length when our adversaries felt that they could not prevail against us, they retreated to their tents in confusion.

We however remained at Saintes till the next day, and then by the advice of our council withdrew to Pons, the count of La Marche leaving the town and castle of Saintes without men and without any defence at all, so that the French king, after our withdrawal, immediately entered it, abandoned and defenceless. When we saw that it was unsafe to tarry at Pons, because of the king's arrival, we continued our journey to Barbezieux, leaving good and sufficient defence in the town of Pons. But straightway, directly we left the town Reginald of Pons, saying to us "Farewell," and giving us the kiss of Judas, shewed openly the fraud which he had been turning over in his mind, and

the count of La Marche likewise, and took the side of the king of France. So that if we had not cautiously avoided their treachery and evil device by marching a whole day and a whole night with our army towards Blaye, they would have betrayed us and all our men into the hands of the said king, as they had most wickedly determined in their hearts, spendthrifts of their reputation and scorners of their honour and of the pacts entered into between us.

Therefore since we could no longer linger among those perfidious and shameless Poitevins without peril to our person and all our men with us, we have withdrawn into Gascony, where with our beloved kinsman Raymond, count of Toulouse and marquis of Provence who came in person to us, we have been conferring concerning the improvement of our position and taking counsel concerning our affairs. After we had crossed the water of the Gironde and sent good war supplies to Blaye, we delayed opposite that town, because the king of France had come with his army to besiege it. But when we had remained encamped two thousand paces from the town for almost fifteen days, he did not dare to go nearer, though in the meantime his men had had hard fights with our garrison; and so at length the said king returned to his own lands.

40.

[War with Scotland on the question of homage averted by a fresh treaty. August, 1244. Fædera, I., i., p. 257.]

Alexander by the grace of God king of Scotland, to all Christ's faithful people who shall see or hear this writing, greeting.

We wish to bring to your notice the fact that we have conceded both for us and for our heirs and faithfully promise to our most dear and liege lord, Henry III. by the grace of God king of England etc., that we will serve him in everlasting good faith and love also.

And that we will never enter into any pact through ourselves or through any others on behalf of us with the enemies of the lord king of England or his heirs, to cause or make war whence loss to him or his kingdom of England or Ireland or his other lands shall befall, or can in any way befall, unless they shall trouble us unjustly.

41.

[An example of papal oppression, 1244-1245. Matthew Paris, Chron. Maj., iv., pp. 284 and 420.]

About the same time the new pope sent into England a new extortioner, master Martin, who brought with him papal authority, and power to excommunicate, suspend, and punish in many ways those who resisted his will. Fortified by this power, he suspended the prelates of England from appointing to benefices until the wishes of the pope, who demanded revenues for his clergy and kinsmen, had been satisfied. He, however, judged it beneath his dignity to receive anything less than thirty marks in case it should seem that so great a man was collecting trifles. Therefore the said master Martin began imperiously to demand and extort gifts from the prelates, especially the monastic ones, above all desirable palfreys, and he strictly charged this or that abbot or prior by letter, to send him such horses as were fit for a special clerk of the pope to ride upon. Those who refused and gave even reasonable excuses and causes of refusal, such as the abbot of Malmesbury and the prior of Merton, he punished severely by suspension until they had made full satisfaction. Also the careful enquirer looked out for vacant churches and prebends to cast into the yawning gulf of papal need. Among these, when the best prebend at Salisbury which belonged to the precentorship fell vacant, without the bishop's consent and to the annoyance of the whole chapter, he immediately laid greedy hands upon it, and by the pope's command gave it to a certain nephew of his, a boy, but not without much bitterness of heart and astonishment. For many believed and hoped that the Roman court, because of its manifold scourgings of God, would bridle its avarice.

[1245]. At this time, that is, on the morrow [30 June] of the feast of the apostles St. Peter and St. Paul, after certain tournaments of people assembled at Luton and Dunstable, inspired by secret hatred, had been forbidden by the king as dangerous, Fulk FitzWarin was sent on behalf of the community of the realm to master Martin, who was staying at the New Temple in London. Looking at him with a fierce expression, he thus addressed him: "Depart and leave England immediately." Martin replied: "Who commands me? Is it you on your own authority?" Then Fulk said: "This is a command given through me by the body of armed men who lately appeared at Luton and Dunstable. And if you trust in wholesome counsel, you will not delay three days, lest you and all your men be cut in pieces." Then Fulk withdrew in great wrath, heaping threats on threats with terrible oaths. Martin gasping with terror immediately went to the king and said: "My lord, such things have I now heard; is this done by your authority or by the boldness of your subjects?" The king replied: "I declare that it is not by my authority, but my barons scarcely keep themselves from rising against me because I have so far tolerated the depredations and injuries done by you in my and their kingdom exceeding right and measure. Moreover I could hardly restrain them in their fury from rushing on you and tearing you limb from limb." In a low and trembling voice Martin replied: "I ask therefore for the love of God and reverence to the lord pope, a free exit and safe conduct out of your land under your guidance." The king, very moved and angry, replied: "The devil give you a safe conduct to hell!"

When those present had with difficulty calmed the king, he ordered the marshal of the palace, Robert Norris by name, to conduct Martin safely to the sea. The said Martin immediately set out on his journey keeping close to the side of his guide Robert, and whenever he happened to see any horsemen or passers by, he was seized with such fear and trembling that if the earth had opened, he would have hidden himself under the turf. When they came to the edge of a wood which the archbishop elect of Canterbury had put up for sale, and where some countrymen had come together to choose and buy trees, Martin was terrified at seeing them and said to his guide Robert: "Alas, alas, what I feared has happened to me. See, they are going to attack us. O my friend, O my lord Robert, have you a son, nephew, kinsman or friend for whom you desire an ecclesiastical benefice? I am ready to get for you all you ask. See they lie in ambush for my life; hide me under the shadow of your wings." Robert replied: "Heaven forbid that any friend of mine should thus enter an ecclesiastical benefice through me. I do not know who they are, but I will hasten to them while you wait for me here, so that if they have evil intentions, I can check their boldness by showing the king's authority." When, on coming to them, he learned the truth, he quickly came back to Martin and to deceive him said: "I have only just restrained their anger and kept them from tearing you in pieces. But now let us proceed secretly and cautiously lest a worse thing befall you; and when you set sail, if you are wise, you will depart never to return, lest you fall miserably into the snares of those who seek your life." Then Martin did not spare his horse's flanks, but chiding his guide for delay hastened to the sea. On reaching Dover he took ship on St. Swithin's day

[2 July], and by his departure made many glad. But lest the force of this virulent plague should utterly cease, he granted part of his authority to one, master Philip, to be still exercised in extorting revenues, and thus he left his foul traces behind him. I have told this story that everyone may know how timid are those who gape after money and whose own consciences hurt them.

When these things came to the notice of many Italians who were fattening on the richest revenues in England, they disappeared and hid themselves in secret places.

42.

[At a great council held at Westminster, March, 1246, the articles put forward by the English delegates at the council of Lyons (1245) concerning the grievances of England, formed the chief topic of discussion. Matthew Paris, Chron. Maj., iv., p. 527.]

The kingdom of England is oppressed in that the lord pope is not satisfied with the subsidy called "Peter's pence," but extorts a heavy contribution from the whole clergy of England, and strives to extort even heavier ones. This he does without the consent of our lord the king, against the ancient customs, liberties and rights of the realm, and in spite of the appeal and protest made by the proctors of the king and kingdom in the general council.

Also the church and kingdom are oppressed in that the patrons of the churches cannot present to them suitable clerks when they are vacant, as the lord pope granted them by his letters. Instead the churches are bestowed on Romans who do not in the least understand the native tongue of the kingdom, to the peril of the people's souls, and who carry money out of the kingdom and so impoverish it beyond measure.

There is also oppression through the provisions made by the lord pope and in the exaction of pensions contrary to the tenour of his own letters. For these state that out of all the reservations made in England, he only intended to confer twelve benefices after writing the said letters,¹ but we believe that he has collated to many more benefices and made provisions since then.

Also there is oppression because Italian succeeds Italian, and because the English are by apostolic authority dragged out of the kingdom in their causes, against the customs of the realm and the written laws, since they ought not to be summoned among enemies, and against the privileges granted by the predecessors of the lord pope to the king and kingdom of England.

Also there is oppression in the frequent appearance of that clause "Notwithstanding," whereby the binding power of an oath, ancient customs, the force of Scripture, the authority of grants, statutes, rights and privileges are weakened and wiped away, because numberless people of the realm of England are grievously oppressed and afflicted, nor does the lord pope when recalling the plenitude of his power bear himself courteously and with moderation towards the kingdom of England, as he promised the proctors of the kingdom by word of mouth.

Also there is oppression in the general tallages, collections and assessments made without the king's consent and will, in spite of the appeal and protest of the proctors of the king and community of England.

Also there is oppression in that in the benefices of the Italians, the duties, the support of the poor, hospitality, the preaching of the Scriptures, the fitting decoration of the churches, the care of souls, the divine services in the churches are not attended to as is fitting and as is the custom of the country. The walls and roofs of the buildings are falling in and entirely ruined.

After giving their attention to these, all and singular

¹ These promises were made at Lyons, August, 1245.

unanimously agreed that out of reverence to the Apostolic see, they should by letters as well as by solemn messengers humbly and with devotion beseech the lord pope to withdraw them from such intolerable burdens and so unbearable a yoke.

43.

[Complaints laid before the king at a great council held in February, 1248. Matthew Paris, Chron. Maj., v., p. 5.]

Early in the course of that year, namely on the octave [9 February] of the Purification, the nobility of the whole realm of England was summoned together by royal edict. and met in London to treat with the lord king diligently and effectually concerning the affairs of the realm, its excessive disturbance and poverty, and its shameful loss of strength in our time. Therefore there gathered together there not only a great crowd of barons, knights and nobles. with abbots, priors and clergy, but also nine bishops with as many earls, namely the archbishop of York, the bishops of Winchester, Lincoln, Norwich, Worcester, Chichester, Ely, Rochester, Carlisle; the earls of Gloucester, Leicester, Winchester, Hereford, Oxford, earl Roger Bigod the marshal, the earl of Lincoln, the earl of Ferrers, the earl of Warenne, the earl of Richmond, Peter of Savoy. However, there were not present at this great assembly the archbishop of Canterbury, Boniface, who was fighting for the lord pope beyond seas, the bishop of Durham, who was afar off and an invalid, and the bishop of Bath, for he had died a little before.

And since the lord king had proposed to demand a pecuniary aid (for he did not conceal his purpose from the assembly), he was severely taken to task because he did not blush to ask for such help at such a time; especially because at the last similar exaction to which the English nobles had unwillingly consented, he promised by his

charter that he would not afflict his magnates with any more such injuries and oppressions. He was also reprehended very sternly (nor is that wonderful) because of his indiscreet invitations to aliens, to whom he foolishly, incredibly and extravagantly (prodigialiter et prodigaliter) distributed and scattered all the good things of the kingdom. Also he married the nobles of the realm to ignoble foreigners, scorning and setting aside his own native-born and natural subjects, and doing without that finishing touch of marriage, mutual assent. Moreover, he was blamed, and not undeservedly, because whatever he paid out in food, drink and even clothes, and especially in wine, he violently seized, against the will of their rightful owners who were about to sell them. Wherefore the native-born merchants hide themselves, and so do aliens who intended to bring goods to that part of the world for sale, and so ceases commerce by which divers races are mutually supported and enriched. And we are deprived of reputation and impoverished because they bring back nothing from the king but lawsuits and quibbles, wherefore the lord king incurs tremendous revilings from innumerable people to the peril and infamy of himself and the whole realm. Moreover, from these merchants he violently, and without payment or recompense, snatches wax, silken cloths and other things wherewith to make indiscreet alms and immoderate offerings of candles, to the scandal of himself and the kingdom and of all its inhabitants, not without grave offence to God. "I hate robbery for a burnt offering" [Isaiah lxi. 8]. In all these things he so acts the tyrant and seeks to rage violently that he does not even permit fish to be caught by poor fishers on the sea shore where they ply their trade, and they dare not appear on the borders of the sea nor in cities to be robbed, but they judge it safer to commit themselves to the stormy waves and seek further shores.

Also the wretched bankers are browbeaten and savagely tormented by royal tax-collectors, and punishment is added to loss and injury is heaped on injury. And they are compelled to carry on their own backs or on wearied horses, to remote places, in stormy weather and over rough roads the very things which are being taken from them. Again, the lord king was reprimanded because bishoprics and abbacies which were founded by our holy and high-souled fathers, and of which he is supposed to be the protector and defender, he holds like vacant wardships for a long time in his grasp (in manu), as though they were thus "in his hand" (in manu sua), that is, under his protection. Wherein he goes contrary to the oath which he made first and before all at his coronation, for he impoverishes them to their utter ruin. Then the lord king was severely blamed by all and singular and with no small upbraidings, on the ground that, unlike the mighty kings, his predecessors, he has neither justiciar, chancellor nor treasurer appointed by the common advice of the realm as would seem becoming and useful, but such men as follow his wishes whatever they may be, provided that it is profitable to him, those who seek not the welfare of the realm but only that of individuals, since they first collect money and procure wardships and incomes for themselves.

The promise of the king merely verbal.

When the lord king heard these things, he of his own accord blushed in confusion, knowing that they were all quite true. Therefore he promised that most truly and certainly he would be glad to amend them all, hoping by such humility, even though it was fictitious, to bend the hearts of all more readily to his demands. When the body, which was still more completely entangled in such promises, had come to a decision, it replied to him thus: "This will appear and within a short time will be

manifested. Till then we will wait patiently; and according as the lord king shall bear himself and treat us, so will we comply with him in all things." Therefore was everything postponed and deferred until a fortnight after the Nativity of St. John the Baptist [24 June]. Meanwhile the lord king, hardened by the spirit of himself and his courtiers who did not want to weaken their own power, and the more exasperated against his own men, took very little trouble indeed to amend the said excesses according to his promise to his liege subjects.

[The parliament held in London to hear the king's reply to the above demands. 8 July, 1248. Matthew Paris, Chron. Maj., v., p. 20.]

A fortnight after the feast of St. John the Baptist in the month of June [24 June] arrived there assembled in London the nobility of the whole of England, firmly believing from the king's certain promise that he would have changed his erroneous ways, gotten to himself grace by divine influence, and would incline himself to wiser counsels. Therefore when there had gathered together into one body all the magnates of the realm, the king gave an unmannerly reply as follows: "You have wanted, all you leading men of England, and not particularly politely either, to bend your lord the king to your own will, and to impose on him a much too servile condition whenever he refuses any of your requests. Furthermore any man may make use of whatever counsel he likes and from whomsoever he likes, and every head of a household may place in office or defer or even depose anyone he chooses of his household, but yet you have boldly presumed to deny this to your lord king, though least of all ought servants to judge their masters and vassals their prince. Nor ought they to rope him in with conditions. Nay, rather are they bound to be directed by their lord's will and be set in order according to his wish, since they are accounted inferior to him. 'For the servant is not above his lord, nor the disciple above his master' (St. Matthew x. 24). And he would be not as your king, but as a servant, if he were to bend thus to your will. Therefore he will neither remove nor find substitutes for chancellor, justiciar, or treasurer, as you have proposed to arrange." A like answer was given in a mocking way to the other articles, sufficiently serviceable to the king though they were: "But he demands from you pecuniary aid to gain beyond seas his rights, which matter to you also." [Aid was refused and the king was obliged to make money by selling his plate.]

44.

[Marriage of Alexander III. of Scotland to Margaret, eldest daughter of Henry III. 1251. Ibid., pp. 266-8.]

At Christmas the king of Scotland married the daughter of the lord king of England, and owing to the great and unruly crowd that hastened together to witness the ceremonial of such a marriage, it was performed secretly in the early morning before the expected time. There were assembled there people of so many different nations, such a number of English, French and Scottish nobles, such hosts of knights clad in elegant robes and glorying in their varied silken attire, that a full description of that wanton and worldly variety would arouse astonishment and fatigue in the ears of my hearers. More than a thousand knights dressed in silk cointises, as we commonly call them, appeared at the wedding on the part of the English king, and the next day, throwing all these aside, they appeared at court in new attire. On the part of the Scottish king more than sixty knights, with many of equal rank, presented themselves fittingly clad to the gaze of all

The king of Scotland did homage to the king of England for what he held of the lord king of England, namely Lothian and other lands. When, however, the king of Scotland was summoned to pay homage for the kingdom of Scotland, and to give fealty and allegiance to his lord the king of England, as his predecessors had done to the kings of England, and as is clearly stated in many places in the chronicles, the king of Scotland answered that he had come thither in peace and for the honour of the king of England and at his command, to be allied with him by the bond of marriage, and not to answer on so difficult a question. For he had not fully deliberated on the matter with his nobles, nor received advice such as so difficult a business needed. Then the lord king of England, being unwilling to cloud so gay a feast with any trouble, or to vex so young a king and still younger husband, especially as on being summoned he had come with the greatest joy to marry his daughter, passed it over in silence and hid his feelings.

45.

[Simon de Montfort was restored to the king's favour in 1240, and in the summer of 1248 was appointed the king's lieutenant in Gascony for six years. After a year of apparent success, resistance arose, and in 1251 he was driven out of Gascony. Matthew Paris, Chron. Maj., v., p. 208.]

Suddenly at Epiphany Simon earl of Leicester came back from Gascony ingloriously and in a hurry, with hardly three squires with him and his horses worn out and thin. When he reached London and found the king there, he begged most urgently for effective help, both in men and in money from the king himself, to put down the insolences of the rebellious Gascons. For he could not, he said, continue so expensive a war without royal help, though he had exhausted the issues of his own

earldom of Leicester. He urged on and aroused the lord king to this as follows: "My lord king, it is meet that you should recall to mind that when you were last in Gascony, you had fled confidently to those whom you reckoned faithful to you, yet they did not open the bosom of affection to you, nor stretch out to you a helping hand as they ought. They had mercy neither on you when you were escaping the snares of the French king, nor on the queen when she lay ill at La Réole and brought forth a child at Bordeaux, but instead they extorted your treasure and let you lose your land and your honour." When the king heard this, he took pity on the earl in such great trouble and consoled him, answering: "By God's head you have spoken the truth, sir earl, and I will not deny you effective help, since you fight so earnestly for me. But a cry has gone up with a grave complaint that those who come to you in peace, even those whom you summon, seemingly in good faith, you have shamefully imprisoned and destroyed." Yet the earl altogether denied this, replying: "My lord, their treachery, which you have known and proved, reveals then as unworthy of belief."

46.

[As to the English in general Simon de Montfort is so far only an adventurer, and one of the king's foreign favourites, his connection with Robert Grosseteste, bishop of Lincoln, is noteworthy. Letter from the Franciscan friar Adam Marsh to Grosseteste, apparently about 1250. Letters of Adam Marsh in Monumenta Franciscana (R.S.), i., no. xxv.]

I am sending back to your lordship the short essay which you wrote on the rule of a monarch and a tyrant, just as you sent it, sealed with the seal of the earl of Leicester. If it happens that the lord earl returns sooner to Gascony, he proposes, after discussing the matter with my lady the countess and me, to commit his eldest son

Henry to your fatherly care, so that while he is still of tender age he may, under your holy guardianship, in so far as God wills, make progress in accordance with his abilities, in letters and moral discipline. If, however, the said earl remains in England, near the wholesome counsel of your piety, he proposes to dispose otherwise concerning the said boy.

47.

[Within a year, the Gascons are in open revolt against Montfort, and after the granting of a truce and safe-conduct, he and his accusers meet at Westminster. May, 1252. Letters from Adam Marsh to Grosseteste Monumenta Franciscana, i., no. xxx.]

In the course of this present letter I briefly note what I have long wished and now at length am able to forward for your holiness' information, namely, the process held at the present time in the king's court touching Gascon affairs and the famous earl of Leicester.

About the feast of the Ascension [9 May] there came to the lord king's presence a great multitude of Gascons, both clergy and laity, to attack without restraint the said earl before the lord king, prelates, and barons, with the malicious invention of liars, in regard to vexations, spoilings, frauds, and oppressions, continuing in this way the exertions of their wickedness with the most shameless madness, both secretly and in public, by day and by night, until the feast of the Blessed Barnabas [11 June]. Not without a hint of injustice, favour and audience both solemn and private were granted to them, to the stupefaction of all, especially the lovers of justice and equity. Moreover, the said earl in the meantime frequently endured reproaches and insults from the lord king in front of many great people, with immoderate shoutings, but through all he observed towards both his lord and his adversaries the forbearance of the humble together with the generosity of the great minded. I do not know if from the remotest times such manifest obstinacy among either nobles or private persons has been found. Very few beyond the bishop of Worcester, Peter of Savoy, and Peter de Montfort were faithful enough to defend him in the midst of such revilings and discord, but when the priests who were present, the lord earl of Cornwall and the other brothers of the lord king, the leading men of his council and the barons of the realm publicly in a remarkable laudation extolled the earl of Leicester's magnificent courage, undefiled loyalty, victorious activity and just intention, they did not omit to promise help also and counsel to preserve the said earl from peril, loss and shame. And I also, such as I am, encouraged some of the greater of these.

Truly when goodwill was thus frequently voiced he always experienced that rare thing, real friendship. . . . After the daily thunderings of impious men it was hardly extorted by pressing labours that the earl of Leicester and many men who were strong in power, firm in their loyalty, reasonable in speech, unwearied in perseverance, famous for their wealth, deliberate in business and courageous in difficulties should, as reason compelled, like their adversaries over against them who had come at the king's command and under his safe conduct from Gascony, in their turn . . . be heard. Then in the presence of the king and the magnates the said earl of Leicester, clearly following the light of reason, showed his course of action, both in ordering the state in peace and in striving in war, for the dignity of the Church and the majesty of the king, for the security and safety of clergy as well as laity, from his first entry into Gascony till the present day. On all sides true testimony supported him, and by the worth of his reputation alone, denounced though it was by his rivals, simply by answers of proved truth he confuted them. Moreover the

said men, both knights and citizens, who had served the lord king and the earl of Leicester vigorously and actively both in war and in peace, fortified by letters patent from the commune of Bordeaux, in which, as it were, all the strength of Gascony for engaging enemies and protecting the faithful is known to subsist, by authentic writings and eloquent discourse made it manifest that by powerful activity and prudent circumspection, by just guidance and persevering far-sightedness, the lord earl had up to the present piloted the land of Gascony to the advantage of the lord king and his heirs, to the alleviation of his devoted followers, to the chastisement of rebels, to the salutary reformation of all, and not without exceedingly great personal peril, profuse expenditure of money, undertaking the greatest difficulties, amid the bitterest annoyances. Also it was shewn to all by the more effectual persuasion of documentary evidence that the conspiracy of the aforesaid was stirred up against the earl Simon for no other reason than because the sacrileges, homicides, agitations, captivities, torments, plunderings, frauds, basenesses which with the most savage malignity, neither fearing God nor reverencing man, acting despite king and law, violating treaties, ignoring affection, they perpetrated, the said earl with the application in which he excelled took care to restrain. For sometimes striking with terrors, sometimes calming by blandishments, and sometimes guiding with the laws, and with the form of living honestly, the censure of judging rightly, and the observances of worshipping piously before him, he incessantly busied himself with the recovery of all.

Though both by written and by spoken word they confirmed the trustworthiness of their assertions, those who supported the earl nevertheless offered either by judicial combat with as many men on each side as they liked, or by any other way which the court might decree, in the undoubted

certainty of unchanging steadfastness, to build up all the articles of their argument. This they sought with the more constant insistence that the royal authority might impose upon them as well as upon their enemies the necessity . . . of giving legal proof . . . either before the lord king in the realm of England or before judges appointed by him in Gascony.

When the lord king and his magnates had heard and weighed the merits of the case on both sides, the lord king made a public pronouncement on the disputes in the said debate, and he was compelled by manifest truth to speak on behalf of the party of the earl and his men . . . amid the unanimous acclamations of the earl Richard and the others, both prelates of the Church and nobles of the realm and councillors of state. But although after this nothing seemed to be left save the reward of truth now defended and the punishment of falsehood now convicted, yet after an interval of one night the reins of truth and justice were broken, and there was a return to the savage threats against the earl of Leicester, to insolent reproaches, sharp chidings, shameful contempt, amid the rumblings of the king's wrath and the hisses of the lies of the pernicious. Right and wrong were confounded, and continuously by day and by night the intolerable and vexatious struggle stretched out its length.

The earl indeed . . . among the dreadful disturbances of such excitements worked the more diligently with the lord king in the ways which were thought to suit this end, that through the king's good pleasure and forethought, when the dissensions of the opposing parties had been pacified and all through the royal authority had been reconciled with the earl, he might proceed to Gascony to act there as the guardian of right and judgment, in mercy and compassion, and with everything that would conduce to peace, to preserve for the lord king and his heirs the

dominion of Gascony rendered peaceful, firm and secure. But should evil exclude the pacification of obstinate dissents, nevertheless the said earl offered himself to return to Gascony, when the lord king's dispensation had been granted, with a military expedition and in warlike array with all that such an affair required, to expose freely and constantly the persons of himself and his friends to fatigues, watchings and activities, for the preservation and profit of the lord king and his heirs, to the humiliation of rebels and exaltation of those in subjection. But if the lord king would consent to choose neither of these alternatives, the said earl besought that while prelates, nobles and councillors were yet agreed, he might entirely renounce the custody of Gascony, through the merciful forethought of the royal power, if he might be protected by three necessary conditions . . . namely that he should not incur intolerable losses of substance, and more, that he should not fall into infamous and vile disgrace, and above all that those who ceaselessly adhered in their persons and possessions to the said earl in the dangers of war and the government of the state with the exceeding vigour of unbounded loyalty to the lord king and his heirs, should not be exposed to any personal peril or material loss whatsoever.

Nevertheless as nothing of this could come to anything, the lord king at last abode by the judgment of his own will, since all the rest were numb in ineffective silence, and on his own initiative had reduced to writing and sealed with his own seal certain arrangements which he had thought out, namely, that a truce should be firmly kept between the conflicting parties and between the earl and his enemies until the next Purification of the Blessed Virgin [2 Feb.], and that he or his eldest son should proceed to Gascony at the same time, so that then all controversy of the court of law or field of battle should be set at rest in

the said land by himself or his eldest son. He would also despatch a deputy to Gascony who in the king's place should settle meanwhile certain affairs which had arisen or might arise there in regard to the restoration and giving up under security of certain castles and prisoners then in the hands of the earl, and in regard to many other absurdities which, saving divine help, were likely to cause grave injury. To my mind he was ceaselessly, through all this, most obviously procuring the disherison of himself, the weakening of the kingdom, and the confusion of the people.

When all these projects had thus been hurried through, the earl of Leicester withdrew from the lord king, having permission in vague terms to depart. After his withdrawal he signified in letters patent to the lord king that he was ready to obey his good pleasure to the utmost of his ability in so far as it conduced to the lord king's profit and honour. Then firm in the fear of the Divine name, inspired with love, resting all his hope in Him who forsakes not those who trust in Him, disciplined also to obedience by what he had suffered, rejoicing and confident in the protection of the most High, on the fifth day [15 June] after the feast of the Blessed Barnabas, having crossed the sea safe and cheerful with Henry his eldest son, your holiness' most acceptable pupil, in the company of his amiable countess he reached Boulogne about the sixth hour, afterwards without delay to set out for Gascony when opportunity should come and as the will of Heaven should ordain. . . . To his friends the coming of the earl to Gascony caused the greatest joy, but to his enemies the greatest consternation.

48.

[Montfort's return to Gascony. 1252. Matthew Paris, Chron. Maj., v., p. 313.]

Therewith the earl withdrew and departed to the French lands, which he knew well, and there by the aid of his friends and kinsfolk he gathered together a strong and numerous force of mercenaries, promising them a fitting reward from the booty they would win with him. So the blood-thirsty horse-leeches followed the steps of the earl, who was hurrying with eagerness to avenge his defamation. Meantime the king, dissimulating, or not wishing to remember that he had twice conferred Gascony by charter on earl Richard, his brother, now designed to confer it on his eldest son, Edward, mainly at the secret instigation of the queen. On learning this earl Richard was greatly angered, and withdrew himself in both mind and body from the court, for he hated its waxen pliability.

The king by royal proclamation at once ordered all the Gascons who were still in London, namely, the archbishop of Bordeaux and his companions, to assemble together. He then made a public declaration, announcing that he had bestowed Gascony on his eldest son Edward. He said that his brother, earl Richard, did not care to have Gascony, nor did he ever want to see it again. For he had been troubled enough by storms at sea, and Gascony had too often emptied his purse. This was very acceptable to the Gascons, and they at once did homage and swore fealty to Edward, who lavished upon them noble presents of gold and silver necklaces, belts and silken clothes, promising them still more. However, the king kept for himself the chief sovereignty, that is, their allegiance. They then feasted together in great exultation, sparing no threats, and boasting that earl Simon, who had believed that he would draw Jordan into his mouth, would be cut to pieces or driven away from his country an exile. Then they took ship and hastened under full sail to their own land.

49.

[Alphonso X., king of Castile, threatens Gascony. 1253. Ibid., p. 365.]

The king of Castile summoned to him a certain noble and powerful Gascon, Gaston [de Béarn] by name, and certain other magnates of that land. Then many of the nobles of Gascony forsook the king of England and joined the king of Spain, especially the rich who used to send their wine to England for sale. For the king of England was not ashamed to detain and deprive them of it at his pleasure. When the men of Bordeaux who were faithful to the king of England saw this, they sent word with the greatest expedition that if he did not come to their help at once, and in force, he would be bound to lose the whole of Gascony, for it would be handed over to the king of Castile, who was offering for sale and hoping to seize everything. When he heard this the king of England was grieved and filled with repentance, though too late, that he had recalled earl Simon from the governorship of Gascony.

50.

[The king and Montfort reconciled. 1253. Ibid., p. 415.]

Earl Simon who, as has been said, had been invited to be seneschal of France because of his loyalty and valour, but would not consent, as no one can serve two masters opposed to one another, came to his lord the king of England in Gascony, ready and prepared for his services, to subdue his rebellious enemies. Now the Gascons feared the earl like lightning. He had brought with him a chosen army, maintained at his own expense for the king's service, and a large number of both knights and squires. For the earl had been taught to return good for evil, in a humble and charitable spirit, passing the bounds of human

feeling, and to think little of the king's impetuous words when in the sudden heat of anger in London he had openly and shamelessly stormed against him. Instead he called to mind the benefits the king had bestowed on him, giving him his sister to wife, granting him the earldom of Leicester and conferring on him the wardship of the heir of Umfraville. He inclined his heart willingly to this advice which came from Robert bishop of Lincoln, a great friend of the earl, and his father confessor.

The king admired the earl's charity and received him with the greatest joy. Therefore the Gascons, who are the friends of fortune, when they saw that the king of Spain was reconciled with the king of England, and that earl Simon had come with such a formidable force of followers, were humbled and reluctantly returned and submitted themselves to the rule of their king. Then the king decided to return to England.

51.

[Abduction of Alexander and Margaret of Scotland. 1255. Chronicle of Melrose, p. 180 et seqq.]

There came to the lord king at Edinburgh on the one side all the nobility of Scotland, and on the other Alan the "Doreward" and his supporters, who were greatly increased in number. They pretended that they wished to confer about the renewal of peace, but their real object was to capture their lord the king. There they decided that it was necessary to meet again at Stirling within the course of a few days when they would without doubt establish peace. When the king's counsellors and the rest of the nobility had departed to make preparations for so great a day, earl Patrick and others of the opposite party entered Edinburgh castle in arms, and thrusting out all who were of the king's household seized their lord the

¹ Earl of Dunbar.

king and garrisoned the castle with their own armed men. telling their other allies to prepare to help them in carrying off the king to whatever place they wished. This they did with the greatest speed. Now there had come to them out of England with a body of armed men the earl of Gloucester, Richard de Clare, by whose advice they had committed the said treason. He, however, was followed by the king of England and his wife. When the king's counsellors and guardians heard that he was taken prisoner, they were greatly troubled and astonished at such a treasonable act, and they resolved to call together an army and come to his assistance. This was by no means hidden from their enemies, so they forcibly carried off the king to Roxburgh, and entering the castle there, handed it over to some of their number to keep at their pleasure. They themselves, taking the king and queen with them, went to meet the king of England at Wark. After they had held a short and friendly preliminary conversation, the king of Scotland returned home the same day, but his queen remained with her mother. Upon the invitation of the king of Scotland and his counsellors the king of England entered Roxburgh upon the Assumption of the Blessed Mary [15 August]. There the king of Scotland met him, received him with great joy and brought him with a great procession to the church of Kelso. After holding a conference there he entrusted the king and kingdom to the Earl of Dunbar and his adherents . . .

[p. 183.] When all the nobility of Scotland, whose leader was Walter Comyn earl of Menteith, perceived that their king was in the hands of men who had been excommunicated, they feared that the whole country would be placed under an interdict. So they made an insurrection, and snatching the king out of their hands at Kinross, restored him to his kingdom. The author of the whole mischief, Alan the "Doreward," hearing of this, was alarmed

on account of his treason in seizing his own lord and king, and fled to the king of England, but his accomplices were scattered, some in one direction and some in another.

About the Nativity of the Blessed Mary [8 September], the king of Scotland came again with his army against the said traitors, who, he had heard, had come from the king of England with an armed band and some of the English magnates. So while the king of Scotland was awaiting his army at Melrose, there came to him from the king of England the earl of Hereford, the earl of Albemarle, and John de Balliol. They pretended that they were going to calm the people and make peace between the said traitors and their opponents, but as a matter of fact, so it was generally reported, their object was to seize the king again and carry him off with them to England. The king of Scotland was quite aware of this, so he arranged that they should meet him the next day at Jedburgh, for there in the forest a great part of his army had already assembled. He had heard indeed that the said envoys had sent John Mansel to the castle of Norham with a band of soldiers and the said traitors. On the next day they met together at Jedburgh, and held a conference lasting nearly three weeks. . . . At the end of three weeks the envoys realised that the Scottish army was now united and ready to attack them if they lingered, and that they had not the power to resist, so they brought about a peace between the said traitors and their opponents, and when peace had thus been restored, all returned home.

52.

[The Sicilian throne. Letter from Pope Alexander IV. to Henry III. offering the crown of Sicily to his son Edmund. 1255. Annals of Burton (R.S.), p. 339.]

Alexander, bishop, servant of the servants of God, etc., to Henry, illustrious king of England, etc. The royal

race of England, which we view with special affection and the distinction of our intimate love, we wish to exalt above the other kings and princes of the world, and we have sent as legate of the Apostolic see our notary [Cardinal Ottaviano Ubaldini], who is as devoted to the honour and advantage of that people as to his own, to those regions with the special object of enriching and exalting that same nation by conferring upon it the kingdom of Sicily, which surpasses in riches and charm all other kingdoms of the world, and which has come into the hands of the Apostolic See. And though there has been a good deal of discussion about this matter, yet since there still survived in that kingdom one person who was your nephew,1 lest you should seem to thirst for your own blood and to desire the spoils of your own kin, you have hitherto postponed receiving so great an honour and advantage. But as this same nephew of yours so piously, as it is claimed, has been carried away from the midst, you, desiring to have a son the common property of yourself and the Apostolic See, have devoted to its service for ever your most dear son in Christ, Edmund, causing him to receive from the hands of the aforesaid legate who has in this matter full powers, the said kingdom, to the honour of God, the peace of the Church and the tranquillity of the whole Christian people, whose thanks we bear to your highness. For we are prompt and ready for all things which we know are pleasing to your heart. And since we have considered that a presentation of this sort made by the same legate must be confirmed with the counsel of our brothers, we ask and urge upon your royal magnificence to bear in mind that all in that kingdom look for and expect redemption from us, and that this business by its very nature demands and requires haste. Now because delay in such matters is

¹ Henry, son of Henry III.'s sister Isabella, third wife of the Emperor Frederick II. He died in 1253.

wont to lead to very great loss, do you equip the said king for the pursuit of the matter undertaken, with soldiers, money and other things, so strongly, swiftly and powerfully, that he can attain to the pinnacle of the said kingdom, where, like the morning star, he shall be received with longing, as befits so great a prince. Know that, since the said matter is of God and not of man, all things shall succeed and prosper with the said king, and we ourselves with men and equipment and in every possible way will take care to help him most lavishly, for we are ready to bind ourselves and the Roman Church as guarantees for whatever is needful to him in the prosecution of the said business.

53.

[National resistance to the demands. Annals of Burton (R.S.), p. 360.]

Now when the apostolic commands and the articles mentioned had been promulgated through the whole kingdom, there sounded a murmur among the clergy, and a lamentable tumult was made on account of the grievances of this kind which had arisen in the kingdom unexpectedly, such as had not been heard of since the beginning of time. After the feast of St. Michael [29 September] the lord king held his parliament at Westminster, and there were summoned thither bishops, abbots and priors, earls and barons and the greater men of the whole realm. this parliament he asked the clergy to give him an aid from their lay fiefs to pursue the business touching the kingdom of Sicily, which had been begun, foolishly and unwisely, intending by an unfair plan to extort this from the clergy first and afterwards from the greater and lesser people. But the bishops, abbots, priors and proctors who were present on behalf of the whole community, were unwilling to acquiesce in such an exaction, but determining rather on resistance and opposition, they resolved to put down their reasons and grievances in writing, and send them by chosen, faithful and discreet messengers under seal to the pope.

54.

[Further demands for the sake of Sicily. 1256. Annals of Dunstable, p. 199.]

In the year of grace 1256 master Rostand and master Giles of Bridport, Richard abbot of Westminster, and the lord Henry, at the instance of the lord king, went to the Roman court to dispatch his affairs there against the clergy and people of England. When they returned to England, the lord king asked the clergy and people for all the expenses which he had then incurred in trying to obtain the land of Sicily for his son Edmund, that is, 100,000 marks, and 36,000 and 5000, all of which he had spent in vain and wickedly lost. Also he asked the clergy and people to get Sicily for his son Edmund at their expense, and to bring him safely there at their expense, and hand over the land with its fortifications.

55.

[Although Edmund is brought before the magnates clothed in Apulian dress, and the Sicilian business further urged, it is well known in England that Manfred has overrun the kingdom of Sicily, and the magnates refuse aid, stating their reasons in writing. 1257.

Annals of Burton, p. 386.]

On the Sunday [25 March] after the Sunday on which is sung Lætare Jerusalem, in the chapter-house at Westminster in the presence of prelates, clergy and people congregated in a great multitude, the archbishop of Messina set forth the Sicilian business for which he came, striving by discourse, words and apostolic letters, to induce them to undertake that affair and carry it to a conclusion together with the lord king. They deliberated upon this for some days, and both clergy and people alike were against it, for

the reasons written below and presented both to the king and the said archbishop, in French and in Latin.

The following facts concerning the business of Apulia reduce us to despair.

The Reasons of the Magnates against the King.

"To begin with, the distance of that kingdom.

"Then the fact that the way thither is occupied by powers hostile to the lord king and perhaps favourable to his enemies.

"Then the occupation of Calabria and the other places through which lay access to the other parts of the kingdom.

"Then the strength of the prince in the kingdom.

"Then the alliance of the same with the Sicilians and the inhabitants of the neighbouring regions.

"Then the detention and occupation of almost all the cities, castles and other strongholds.

"Then the abundance of wealth which every day the prince receives from the kingdom.

"Then the sacrifice of the immense expenses already made on the part of the lord king, since nothing or too little may thence be acquired, but rather completely lost.

"Then the incalculable and unavoidable costs, first for the payment of debts, secondly for the expenses of the journey, thirdly for the acquisition of the said kingdom, for which the whole of England does not suffice.

"Then the destruction and impoverishment of the realm of England through the diverse and frequent journeys of the justices and through the manifold extortions, demands and other oppressions.

"Then the slenderness of the treasury of the lord king and his son, and the poverty of all his subjects both clerical and lay. "Then the troubled state of Gascony, Ireland and Scotland.

"Then the hostile invasion of the Welsh in strong array for the expulsion of the native-born now there.

"Then the decrease in the royal power in England in counsel, money and persons through the absence of Richard earl of Cornwall.

"Then the magnates of adjacent lands, namely, the king of France and others especially who once held lands in England, may be aroused to attack her, if through the Sicilian affair she suffer loss in persons, arms, counsel and money.

"Then, that the lord king undertakes the burden of this affair we neither wish nor consent, lest with our consent he seem to hand himself over into the hands of his enemies. Nor are we able or desirous to assume the burden of the said affair with the lord king, for the above reasons, and because of the huge and uncertain burden of the expenses which must be incurred in this affair, to which we cannot hope to be equal.

"Then because of the difficult and onerous conditions involved in the undertaking of the said affair through which, after infinite expense and labour, the king might easily fall away from the law of the realm."

56.

[Ultimately the grant of the Sicilian crown was cancelled, but not before further demands had been made from the clergy. *Annals of Burton*, p. 390.]

The lord king's debt to the lord pope was 135,000 marks sterling for the expenses already borne by the pope on account of the kingdom of Sicily.

.The king requested that since he, by the common counsel of the whole English church, had bound himself to the lord pope on behalf of the kingdom of Sicily granted to

his son Edmund, for expenses already incurred or to be incurred in acquiring the said kingdom, the whole of the clergy and people should bind themselves for the entire sum, and for the interest and penalties for which he had made himself responsible. Also he asked from the clergy a tenth, to be continued for a period of five years, of all their benefices, according to the new assessment, with no deduction except for necessary charges. Also he asked for the first fruits of all benefices falling vacant in the next five years and for half the issues of the benefices of non-residents. Then he asked from the privileged the issues of all their benefices, the issues of one benefice only to be reserved to the privileged, and that one he might choose. Then he asked for legacies wholesale.

57.

[Richard, earl of Cornwall, is elected King of the Romans. 1257. Matthew Paris, Chron. Maj., v., p. 601.]

In the year of our Lord 1257, the forty-first of the reign of King Henry III., our lord the king kept Christmas in London, when there came to the lord king, who had in his company Richard and many magnates, certain of the chief men of Germany, who announced to all who were present that by unanimous consent, they had elected earl Richard king of Germany. And they asked him to be their king and lord, provided that he would agree to their wishes. The archbishop of Cologne, arch-chancellor of the holy empire, and certain other magnates of Germany unanimously sent letters testifying to this and ratifying it by the same solemn messengers, asserting that never had anyone been elected to that dignity without any contradiction and so sincerely and unanimously. While all were hesitating as to what should be done, because the earl's presence was so necessary to the kingdom of England, the king spoke openly: "Not to seem weakhearted, I counsel

and wish him not to refuse to accept an honour conferred and offered by both God and man." And since some were alarmed because within the last few years two kings of Germany had been elected, and after that promotion had come to ill-omened ends, as though God were angered, others spoke words of consolation to the earl, saying: "Wise and prudent earl, why do you hesitate, as though the disaster of the landgrave Henry and, again, the sinister end of count William of Holland frightened you? The pope does not thrust you in violently to promise you your requirements from the spoils of the Church and the pillage of crusaders, which would never profit you. What the pope, forsooth, has shamefully acquired provokes not to mercy but rather to wrath. You are rich with the treasure reserved for you, which is collected from the kingdom of Germany and faithfully set aside for your own benefit. Like a second Octavian, you are repaid by your own treasure. You will be surrounded by your friends, both German and English, and by your kinsmen. Do not let the numbness of diffidence or faint-heartedness terrify you, as though you were lazy and timid. Let the event which once befell Robert Curthose duke of Normandy fortify and raise you up to be the vassal of God. For when he was fighting for God in the Holy Land, unasked and by divine means the kingdom of Jerusalem was offered to him so that he might rule the inheritance of Christ, but he shamelessly refused it; wherefore he afterwards felt the heavy vengeance of God, and never afterwards did any prosperity come to him." Above all the king and his brothers, especially the bishop-elect of Winchester, eagerly encouraged him with the assurance that this honour would for ever exalt the whole English nation. When the earl heard this, assuming his manhood and inspired to good hopes, he said in a free and eager voice: "And I, trusting in the mercy of God, incompetent and unworthy though

I am, gratefully accept this burden and honour granted me, I hope, by Heaven, lest I be called faint-hearted and timid." And turning to the bishops, one of whom was Richard bishop of Bangor (who narrated to the writer what is written here), he added: "And I, if I do this from ambition or greed, may I consume in the fires of hell, or die by a sudden death before I go out of this chapel. But I do it to restore that kingdom to a better state, which God grant, and that I may have the strength to pilot with all humility, justice and honour those who have of their own will chosen me as lord." These words forced the tears of many to flow, and sent back the German messengers in exceedingly great joy. Those who had been doubtful about his consent, now certain of his goodwill and favour, joyfully returned to their own homes within twenty days of Christmas to report this message to the magnates who had sent them.

58.

[Quarrel between Simon de Montfort and William de Valence, son of Hugh, count of La Marche and Isabella, mother of Henry III. 1257. Matthew Paris, Chron. Maj., v., p. 643.]

In the presence of the king and many magnates at London a great quarrel broke out between Simon earl of Leicester and William de Valence. This William, on the strength of being the king's half-brother, showed no respect for any of his neighbours, least of all for monks, to their great loss, and like his brothers assumed the character of a tyrant by reason of his relationship to the king, and shamelessly invaded the possessions of the said earl, carrying off booty therefrom. When the earl's bailiff rescued this booty, William was indignant, and heaped injuries on the earl both by word and by deed. When these matters were told before the lord king and a complaint was made, there broke out a quarrel which nearly led to blows. For William openly, and in front of the

king and nobles, gave the earl the lie, and shamelessly branded him with the reputation of treachery, which is a great offence to knights. At this the earl was greatly excited and, so it is said, wanted to rush upon him, for anger is a short madness. However, the king in amazement threw himself between his brother-in-law and his brother, to prevent the former from killing the latter, and fortunately, though with difficulty, he stopped the earl. The enmity thus produced between them never afterwards lost its strength.

59.

[A parliament at Oxford. 1258. Annals of Dunstable, p. 208.]

In the same year on the feast of St. Barnabas the Apostle [11 June], the lord king caused all the magnates of England, clerical and lay, to be summoned. And when the king had taken counsel with the utmost deliberation, they decided among them that the lord king should have twelve of his council chosen by the whole community of England, in whose advice he should trust and without whom he should do nothing of importance. This was done, and straightway those twelve by the consent and will of the king, chose a chief justice, who swore in the presence of all that he would do justice to everyone, sparing neither rich nor poor, so that justice should not be withheld from any. Then the lord king swore on the Gospels that from henceforward he would observe and cause to be observed the good and ancient laws and the great charter which he had formerly granted. Then all the magnates then present swore that they would observe and cause to be observed towards their own tenants on their own lands what the lord king had promised them he would observe. When this was done the king's brothers were called to swear as the others had sworn, but they altogether refused

to do so. The king's brothers were Aymer the bishop elect of Winchester, William of Valence, Geoffrey of Lusignan and Guy of Lusignan. They and their bailiffs were so insolent, oppressive and haughty towards the English as to ravage them and their goods and hold them for naught. Because they did not wish to restrain themselves from such fierceness, they scorned to take the oath. Then the magnates swore that anyone who tried to go against their oaths and statutes should be regarded as a capital enemy. When the king's brothers learned this, they secretly and by night withdrew to Winchester. As soon as the magnates knew it, they followed them to Winchester with horses and arms, and took them to the sea and forced them to swear that they would never injure the land of England, either they themselves or through others, and that they would not return to England save with the consent of the king and his magnates. Their lands and tenements were then taken into the king's hand. These are the names of the magnates who did these things -Simon de Montfort earl of Leicester, Richard earl of Gloucester, Roger Bigod the marshal of England, Humphrey de Bohun earl of Hereford, the earl of Warwick, Hugh Bigod the chief justiciar, James of Audley, the earl of Albemarle, Hugh Despenser, Richard Grey, John Fitz Geoffrey and many others whose names we do not know.

In the same year at the Michaelmas parliament it was provided by the king's council that every sheriff should have the charter written in English and scaled with the king's great seal, and that many times in the year it should be read in the presence of the county, so that what was therein contained should come to the notice of all.

[Letter of Richard, earl of Gloucester agreeing to counsel and support Edward the king's son and his allies. 14 March, 1259. Hist. MSS. Comm. Reports; on MSS. of Lord Middleton, preserved at Wollaton Hall, Notts., ed. W. H. Stevenson, 1911, p. 67 (French).]

To all God's faithful people to whom this letter shall come, Richard de Clare earl of Gloucester and of Hertford, greeting.

Know that we are held by our oath which we made on the Holy Gospels to our dear lord sir Edward, eldest son of the king of England, whom we will loyally aid with all our power, rightfully and in good faith to the aforesaid sir Edward against all, and we will council him in all his needs which touch him and shall touch him, and especially in these articles; to wit, we will loyally use our power in good faith that the aforesaid sir Edward may speedily have his castles and lands in his hand and in his power, and that the charters which the king has made for him, as well those which touch his needs on both sides the sea, shall be held and performed according to the tenour of the same charters.

Especially we are held by our oath and loyally promise that we will aid and loyally and in good faith maintain in their needs the friends and the allies of the aforesaid sir Edward, namely sir Henry, son of the king of Germany, sir John earl of Warenne, Baldwin de Lisle, Philip Basset, Stephen Longsword, Robert Walerand, Roger de Clifford, Roger de Leybourne, John de Vaux, Warin de Bassingbourne, Hamo Lestrange, and William la Zouche, doing what is due and receiving what is due.

And the aforesaid sir Edward, by his oath and by his letters which we have before us, is bound to do the same by our friends and allies, namely, sir Roger le Bigod earl of Norfolk and Suffolk and marshal of England, sir

William de Forz earl of Albemarle, Hugh le Bigod justiciar of England, Henry de Percy, Roger de Somery, Robert de Bruce, Richard de Munfichet, William de Say, William de Braose, and John d'Eyville.

And if by chance it happens—which God forbid!—that with regard to any of these articles above mentioned discord arise between us and the aforesaid sir Edward, no matter on what side the wrong may be, we are bound by this our writing, and wish and grant that we will lay this matter before two prudent men, namely sir Henry son of the king of Germany, on the part of sir Edward, and sir Hugh le Bigod on our part, and we will hold and carry out what they resolve. And if it happens that these two cannot or will not undertake these matters, we and the aforesaid sir Edward are bound by our oath to choose another two of the aforesaid friends, of whom one shall be of our party and the other of his, and their resolution thence we will hold and perform. And if by chance it happen that these two cannot agree in this award, we wish and grant that these two choose on their part a third who shall be of the above named, and such as they shall see will best and most loyally be willing to act as mediators between the parties, and what these three or the greater part of them shall award we will loyally keep and perform, and this thing also has the aforesaid Edward granted in good faith, and he is bound by his writing which we have before us.

And if by chance it happen—which God forbid!—that we depart from or go against any of these articles or the promises contained in this our writing, we wish and grant and pray that all our friends and allies named in this our writing, will counsel and aid the aforesaid sir Edward and his friends and allies with all their power and all their strength to distrain us by law to keep the articles and promises aforementioned and to preserve them in all

things. And if it happen—which God forbid!—that the aforesaid sir Edward depart from or go against any of the articles or promises which he ought to perform for us, he likewise grants and wishes and prays all his friends and allies named in this writing, that they will counsel and aid us and our friends and allies with all their power and strength to distrain him by law to keep the articles and promises aforementioned and to preserve them in all things, as is contained in his letters which we have before us. And to this are bound the allies named in this writing, on one side and the other, by their oath which they have made.

And for the sake of greater surety in holding fast and keeping all these things above mentioned, without trickery, malice or any manner of fraud, together with our oath we have put our seal to this writing, saving always our oath and fealty to the king of England, and the common oath which we have made to the barons, which is: "To the honour of God, fealty to the king, and the profit of the kingdom."

And the better to bear witness to this thing sir Henry son of the king of Germany and sir John earl of Warenne have put their seals together with ours to this writing.

This letter was made at London, the fourteenth day of March, in the forty-third year of the reign of King Henry, son of King John.

61.

[The king is absolved from his oath touching the Provisions. 1259.

*Continuator of Gervase of Canterbury (R.S.), ii., p. 210.]

In the same year the king obtained a letter of absolution from the pope, to absolve him from the oath which he had formerly made with all the magnates of the realm in the Oxford parliament in regard to the provisions for what should be done in the realm. As executor of that letter

he had Boniface archbishop of Canterbury, and he executed it and publicly pronounced that he was absolved from his oath which he made before. Against this Walter of Cantilupe bishop of Worcester made a public appeal on behalf of himself and the magnates of the land, but the appeal was of little profit to them. And so there immediately arose a very great dissension between the king and the barons, who strove with all their strength to compel him to observe his oath. But the king, who had now taken fresh counsel, refused to give way to them, but kept firmly to his own design, and he fortified the tower of London and remained there for nearly a year. But the barons, namely, Richard earl of Gloucester, Simon de Montfort earl of Leicester, Roger Bigod earl of Norfolk, John earl of Warenne, Hugh le Bigod formerly justiciar of England, Hugh le Despenser and many other nobles were meanwhile gaining as many adherents as they could; and they kept possession of the royal castles and twenty-two counties through their own sheriffs.

62.

[The Peace of Paris. May, 1259. Feedera, I. i. p. 383.]

Let all present and future know that we, Henry by the grace of God king of England, lord of Ireland and duke of Aquitaine have by divine favour established a peace with the illustrious king of France, our dear kinsman, on the following terms:—

"This is the form of peace agreed upon between the kings of France and England.

"The king of France will give the king of England all the rights that the king of France has and holds in the three bishoprics and cities of Limoges, Cahors and Perigeux, in fief and in demesne, save the homage of his brothers if they hold anything there for which they are his men, and saving those things which the king of France cannot give up by reason of his own letters or those of his ancestors. The king of France will either buy these, in good faith to those who hold them, so that the king of England may have them within a year of All Saints' Day, or make a fitting exchange, with the help of trustworthy men chosen by both sides, to the profit of the two parties.

"Moreover the said king of France will give to the king of England the value of the land of Agénais, in money, every year, according to the price fixed as the true value of the land by trustworthy men chosen by both sides. The payment shall be made at the Temple at Paris each year, the first half a fortnight after Ascension, and the other half a fortnight after All Saints' Day. And if it happens that the land escheats from the countess Jeanne of Poitiers to the king of France or his heirs, they shall be bound to give it up to the king of England or his heirs. When the land is given up, they shall be quit of the firm, and if it comes to others than the king of France and his heirs, they shall give the fief of Agénais with the said firm to the king of England.

"Moreover it shall be enquired in good faith at the request of the king of England, by trustworthy persons chosen for this purpose by both sides, whether the land which the count of Poitiers holds in Quercy by right of his wife was given or handed over by the king of England, together with the land of Agénais, by marriage or by pledge, in whole or in part, to his sister, who was the mother of count Raymond of Toulouse, who has just died. If it is found that this was so, and this land escheats to the king of France or his heirs on the death of the countess of Poitiers, he will give it to the king of England or his heirs.

"Moreover when the count of Poitiers is dead, the king of France or his heirs, being kings of France, will give to the king of England or his heirs, the land now held by the count of Poitiers in Saintonge beyond the river Charente, in fief and in demesne, should it escheat to the king of France or his heirs. And if it does not escheat to him, he will purchase it properly by exchange or otherwise, so that the king of England and his heirs may have it; or he will make a reasonable exchange by the decision of trustworthy persons chosen by both sides. For what the king of France gives to the king of England or his heirs, in fief or in demesne, the king of England and his heirs shall do liege homage to the king of France and his heirs, and also for Bordeaux and Bayonne, and for Gascony and for all the land that he holds across the sea, in fief and in demesne. And if there are any islands belonging to the kingdom of France but held by the king of England, he shall hold them from the French king as a peer of France and duke of Aquitaine. And for all these said matters the king of England shall do fitting services, when it is found what the due services are.

"Moreover the king of France shall give to the king of England the cost of the maintenance of five hundred knights for two years, as trustworthy persons chosen by both sides shall decide. The king of France shall be bound to pay this money at Paris at the Temple, in six payments spread over two years. The king of England shall not spend this money save in the service of God or the Church, or to the profit of the kingdom of England, and this by view of trustworthy men of the land, chosen by the king of England and his magnates.

"By this peace the king of England and his sons shall quit claim to the king of France and his successors and heirs and brothers, for any right which the king of England or his ancestors have or had in matters which the king of France etc. holds or used to hold in the duchy and in all the land of Normandy, in the country and in all the land of Anjou, Touraine and Maine, and in the country and in all the land of Poitou, or elsewhere in any part of the realm of France and in the islands.

"We promise in good faith on behalf of ourselves, our heirs and our successors that we will firmly and faithfully keep this peace and treaty established between ourselves and the king of France, and all and single contained in it, and that we will not act contrary to it in any way in future, and that we have done nothing and will do nothing to invalidate the said matters in whole or in part. We give up fully and distinctly on behalf of ourselves and our heirs and successors to the said king of France and his heirs and successors any right that we have or had in things which the king of France holds or held in the duchy and land of Normandy; in the country and land of Anjou, Touraine, and Maine; in the country and all the land of Poitou; or elsewhere in any part of the realm of France, and in the islands.

"That this peace may have perpetual validity we have caused our seal to be set to the present page.

"Given at Westminster in the year 1259 from the incarnation of our Lord, 20 May."

63.

[In 1259 parliaments are held in accordance with the Provisions of Oxford (see below, p. 169). Lib. de Ant. Leg., p. 44.]

In the same year provision had been made through the lord Edward, the son of the king, and the earl of Gloucester, who at that time were on bad terms, to hold a general

parliament at Westminster three weeks after Easter, and they themselves, and many other earls and barons and knights with horses and arms, proposed to lodge within the walls of the city, though through this the greatest loss and peril might befall the citizens and the city. Then came lord Richard, king of the Romans, to Westminster in Easter week, and summoning the mayor and certain discreet men of the city to come before him and the chief justice and Philip Basset, held a conference to avert the peril. Thereby it was arranged that neither the lord Edward nor the said earl nor any other about whom there was any suspicion should lodge within the walls of the city, and so it was done. Moreover it was arranged that all of fifteen years and upwards should be well armed according to their ability and that all the gates of the city should be closed by night and guarded by armed men, and that they should not be opened by day, save only the Bridge gate, Ludgate and Aldgate, and they should be well guarded by armed men. Also the said king, the said justice and Philip and those whom they might wish to bring with them about whom there was no suspicion should be lodged within the city, and should necessity arise, they should join the citizens in guarding the city.

Afterwards on the second day before [23 April] the feast of St. Mark the evangelist, the lord king reached Dover on his way from the Continent, and on the fifth day after [29 April] the said feast he came to London and lodged at the bishop of London's lodging, and he had lodged within the city the earl of Gloucester and many others whom he wanted, and meanwhile the gates of the city were well guarded by armed men by both day and night. The lord Edward indeed and the earls of Leicester and their associates were lodged outside the city or at the Jerusalem Hospital and in all the other houses between the city and Westminster. The king of Germany lodged

in his own house at Westminster, for since the lord king was lodged there, there was no need for him to be inside the city. When the king had remained in the city for fifteen days and more, he withdrew to Westminster and appointed a day, the quindene of St. John the Baptist, for holding the other parliament.

64.

[Further reforms, met by the Provisions of Westminster, are demanded. October, 1259. Annals of Burton, p. 471.]

On the feast of St. Edward, king and confessor, celebrated loyally at Westminster by our lord the king a fortnight after Michaelmas [13 October] the community of the bachelery of England (communitas bacheleriæ Angliæ) made known to lord Edward, the king's son, the earl of Gloucester and others sworn to the council at Oxford, that though the king had done and completely fulfilled all that the barons had provided and imposed upon him, yet the barons themselves had done nothing for the common good of the realm as they had promised, but only for their own advantage and the king's injury, and that if some amendment were not made, the agreement should be severely revised.

Lord Edward at once replied for himself that though he had taken the oath at Oxford unwillingly, yet he was not for all that the less ready to stand by his oath and to expose himself to death for the commonalty of England and for the good of the realm, as he had sworn at Oxford. Then he called upon the barons who were sworn to the council to fulfil the said oath, or else he would stand by the commonalty even to the death and have their promises fulfilled. At length, therefore, the barons, seeing that it was better to fulfil their promises themselves than through others, caused some provisions to be published.

65.

[Affairs are complicated by three sets of antagonism: one between the king and Montfort, another between Edward and Gloucester, and the third between Gloucester and Montfort. Eventually the king and Gloucester combine against Edward and Montfort. Complaints and counter-complaints are brought to a parliament held at St. Paul's, May 1260, but peace is apparently restored. Baronial officials are appointed, but the Provisions of Oxford are quashed in 1261. Lib. de Ant. Leg., p. 46.]

In this year after the Translation of St. Edward [13 October], an end was made to the dissensions between the lord king and his barons while the said king and his queen were lodged at St. Paul's and the king of Germany at St. Martin le Grand's. But this peace did not last. Nay, indeed, the barons afterwards removed the sheriffs of the lord king and put in their places others whom they called "Wardens of the Counties" (custodes comitatum), and still they would not allow justices sent to travel throughout the kingdom to fulfil their office.

In this year in Lent the lord king had read at St. Paul's Cross a certain bull of Pope Urban, who had been made pope the same year. This bull confirmed the bull of Pope Alexander, his predecessor, who had before absolved the king and all those from the oath which they had made in the Oxford parliament noted in this roll. And the king sent his writ through all the cities of England forbidding anyone to say anything against that absolution, and if anyone should presume to do aught against this in word or in deed, he was to be imprisoned and not to be set free without the lord king's consent.

66.

[The moderating influence of the king's brother Richard. Letter from Richard, king of the Romans, to Henry III. May, 1261. Royal Letters, ii., no. DL. (Ancient Correspondence, iv., 171).]

With regard to your excellency's request that we should be at Cippenham on this Friday next before [27 May] the Ascension of our Lord or on the following day, we inform your highness that we are heavily impeded by many and varied urgent affairs which, on account of our hasty journey to our kingdom of Germany, lie heavily upon us. On account also of messengers from the German nobles dealing anew with the difficult transactions between us and them which must be settled after the most deliberate consideration, at present we are in no way able to come to your presence. This indeed, so please you, take not in bad part. If we ought to come for speech between you and the earl of Leicester, we wish you to know that our advice is that when the award is pronounced, you will unweariedly observe it in all ways.

67.

[Return of Montfort, who had retired to France in 1261. October, 1262. Continuator of Gervase of Canterbury, p. 217.]

In this year Simon earl of Leicester returned secretly to England, for he was not yet at peace with the king; and he landed at Romney on the Thursday before the feast of St. Luke [15 October]. On the feast of the Blessed Edward he came to London to a parliament held by Philip Basset the justiciar of England, and he brought with him a papal letter confirming in everything the provisions made at Oxford. For he said that the pope had been deceived, and the Curia also, when the king had obtained the letter absolving him from his oath formerly made to observe the provisions, and he wholly recalled it. When earl Simon had made the letter public to the barons of the land, though this was contrary to the justiciar's will, he immediately returned and crossed from Shoreham to parts beyond sea, leaving behind him in England many accomplices and abettors to pursue his design.

68.

[The king still hopes for an accord with Montfort to be effected through Louis IX. of France. Letter from John Chishull and Imbert de Montferrand to Henry III. February, 1263. Royal Letters, ii., no. Dxcix. (Ancient Correspondence, iii. 40).]

We herewith inform your highness that on the morrow [3 February] of the Purification of the Blessed Virgin Mary we came safely with your treasure to Paris where we found the lord Edward, your son, safe and sound, and we announced the business upon which we had come. On the following Sunday we went to the queen of France at S. Germain-en-Laye, and explained to her your business, as we had been commanded. She advised and strictly enjoined us in no way to present ourselves before the king of France until she herself, the queen, should come to court, that is, on the first Sunday in Lent, so that she could give counsel and help in the dispatch of your business. When the said Sunday was come . . . we explained all your business to the king in the form given and enjoined upon us. When the king had heard and understood, he appointed another day for us, in order that in the meantime he might discuss the matter with the earl of Leicester. On the following Tuesday [Shrove Tuesday the king earnestly and shortly read in our presence our articles and petitions and the business committed to us in the form in which we had before explained it. asserting that he had discussed with the earl of Leicester the aforesaid matters, and that the earl had well said that you wanted nothing but good, but that some of your advisers did not much care for peace, nor would promise it without compulsion. Wherefore, so he said, it did not seem to the earl, on account of certain things which we will explain to you verbally when we come to England, that he could now make peace in accordance with his honour. Because of this the earl asked the king of France not at present to labour further in the matter. When we heard this we immediately got leave of the king of France to return to our own country.

But when we came to the court the next day, John de Valentin caused us to be detained on the part of the king and queen of France, so that they might have a fuller discussion on these matters with the said earl, but what could or should be the outcome of it we do not know, but as soon as we have some certainty on that matter, we will hasten to England. The king of France and his queen and children are safe and sound, and are as anxious for your prosperity and health as for their own.

69.

[Montfort declares war on all who refuse to accept the Provisions of Oxford. May, 1263. Annals of Dunstable, p. 221.]

In the same year about the feast of St. Mark the Evangelist [25 April] Simon de Montfort came to England, and there were gathered together at a parliament at Oxford, unknown to the king and his council, Richard then king of Germany, the said Simon, the earl of Warenne, Gilbert de Clare and many others of the barons. There it was provided that all who went against what had been decreed at Oxford should be held as capital enemies, as it was settled at Oxford at another time by the king and the barons and had been confirmed by their own writings.

70.

[Attack on the alien bishop of Hereford, Peter of Aigueblanche. 1263.

Lib. de Ant. Leg., p. 53.]

In this year, before Whitsuntide, the barons who had given their assent to observe the ordinances and statutes made at Oxford, sent a certain writ under the seal of Roger de Clifford to the lord king asking him to be pleased to keep

the said statutes, and they had no confidence in all who wanted to go against them, save the persons of the king, the queen and their children. Then immediately the said barons made war with a great army against all their opponents, and to begin with, at Hereford they captured the bishop of Hereford and all his canons, who were foreigners, and carried off all his treasure, and everything which they found in his manors they sold, and many of the manors they burned. And they did the same to all the manors through which they made their way, namely, the manors of those who were attempting to infringe those statutes, whether they were clergy or others. Also they established new rectors in the churches, especially in the churches of foreigners, though they brought no harm upon any but their adversaries, observing a strict peace towards others. Then taking the castles of the lord king and others, they put new constables in them, all of whom they made swear fealty to the lord king, and always they bore before them the lord king's standard.

71.

[The support of London in demand. 1263. Lib. de Ant. Leg., p. 53.]

Afterwards they [the insurgent barons] sent a writ to the citizens of London, about the feast of St. John, under the seal of Simon de Montfort earl of Leicester, wishing to be certified by them "whether they were willing to observe the said ordinances and statutes made to the honour of God, fealty to the lord king, and the profit of the whole kingdom, or whether they preferred to cleave to those who wanted to infringe them". . . . Then the citizens showed this mandate to the lord king who was at the Tower, the king of Germany, the queen, the lord Edward and Robert Walerand, who were then present there, and said that the whole community wished to observe those statutes which

were to the honour of God, fealty to the king, and the profit of the kingdom; by the king's command these statutes were formerly affirmed by oath by the said community, and they did not wish to permit any knights, serjeants, or aliens to be lodged in the city, because through them there arose all the discord between the king and his barons.

72.

[Rising in London. June, 1263. Annals of Dunstable, p. 222.]

The king went with the queen to the Tower of London, while the lord Edward remained in Clerkenwell hospital. Since they lacked money in their coffers and no one in London would give them a halfpenny on credit, and as the lord Edward did not want to disgrace himself, joined by Robert Walerand and many others he went on the feast of the Apostles St. Peter and St. Paul [29 June] to the New Temple when the gates were closed. When at his request the keys had been handed over to him, he said that he wanted to see the jewels belonging to the queen his mother. The warden was summoned, and he fraudulently entered the Temple treasury with his men. Then with iron hammers which they had brought with them they broke open certain of the chests there and took much money, up to the sum of a thousand pounds, and had it carried away. At this outrage the citizens of London rose in rebellion against him and others of the king's council staying in the city, and they forcibly entered the house of John de Grey outside Ludgate, and took away thirty-two horses of his and whatever else they found there, John himself making his escape across the Fleet with the utmost difficulty. They did the same to the house and goods of Simon Passelewe.

73.

[Progress of the barons' party in London. 1263. Lib. de Ant. Leg., p. 53.]

Afterwards by the king's command certain of the citizens were sent with the king's council to Dover to make peace with the barons. On this journey was made the response to the barons that the whole community wished to observe, saving the liberty of London, the said statutes made to the honour of God, fealty to the lord king and the profit of the kingdom, and so the barons and citizens were allied, saying "saving fealty to the lord king."

Then at that time or before, all the alien knights and serjeants were set free from the city and afterwards were placed as a garrison at Windsor by the lord Edward. Then the citizens kept watches, riding by night through the city with horses and arms, and an innumerable crowd of men on foot mingled with them. Certain evildoers among them, under colour of searching out aliens, broke into many houses belonging to other people and carried off the goods which they found there. In order to curb this knavery the watches of horsemen were sent away, and watches were made in the wards, every well-armed man in his own ward.

74.

[Attack on the queen. July, 1263. Annals of Dunstable, p. 223.]

In the same year on St. Mildred's day [13 July] the queen came out of the Tower to the Thames, and wishing to go to Windsor went by boat to London Bridge. There the Londoners assaulted her and her people shamefully with base and foul words and even with stones, so that she was with difficulty freed by the mayor of London, and was compelled of necessity to return to the Tower. The

¹The headquarters of Edward.

king did not let her enter, but she was conducted in safety to St. Paul's by the mayor and was lodged in the bishop's house.

75.

[Montfort enters London and peace is proclaimed. July, 1263. Lib. de Ant. Leg., p. 53 et seqq.]

Afterwards the barons came to London and the next day the king and queen withdrew from the Tower to Westminster. Then at that time with the assent of the lord king, the barons made Hugh le Despenser justiciar of the whole of England and constable of the Tower. . . . Afterwards a writ of the lord king was sent to the mayor and citizens to be read in the Gildhall, which said that the dissension between the king and the barons was ended, and that his peace should be firmly observed both within and without the city; anyone who should be known to go against the said statutes should be arrested by the bailiffs and all his goods should be held in safe custody till the king should command otherwise; and from that day as before all things should be conducted and determined through the law of the land.

76.

[The king's supporters disappointed at Dover and Southwark. November, 1263. Annals of Dunstable, p. 225.]

At the same time the king called a parliament at Reading. The earl did not come to this because he was afraid he would be taken prisoner. Then after taking counsel the king withdrew towards Dover with a force of armed men to get back the castle, which was in the custody of Richard de Grey. He went to the gates, demanded admission, and was refused. When the earl heard that the king had gone to Dover, he came from Kenilworth to London. As he went through Northampton he received

the allegiance of the citizens, and thus he came through Dunstable. When Simon, the prior of Dunstable, had hastened to him and he in his turn had saluted him, he sought the fellowship of the house, and the prior assented and received him. Thus he went to London wishing to encounter the king with his men at Dover. When the king could not obtain admission to the castle, he returned through the Weald, where there met him certain London citizens promising him loyalty, and that if the earl came to London he would not obtain admission.

When they heard this the king and Edward were uncommonly delighted, and being assured that he would take the earl and his men who were in Southwark, the king commanded the earl to surrender. He replied that he would never do this to perjured traitors. When the earl saw that he had far fewer men than the king so that he could in no way resist, he wished to enter the city, but the gates were shut and he could not. The earl considered this and armed himself and his men, and in the name of God he fastened crosses on both the back and the breast of himself and the others. Meanwhile, confessing their sins, they all took the Sacrament, and made ready to await the onslaught of their enemies and to struggle against them for the sake of truth. But when it was known in the city that the earl was shut out, the community at once broke open the gates, and the earl and his men entered. The other party fell into violent confusion when they heard this.

77.

[General submission to the arbitration of Louis IX. Letters patent of Henry III. December, 1263. Fædera, I., i., 433-4 from Rot. Pat., 48 H. III. m. 18.]

The King to all, etc., greeting.

Know that we have agreed to refer to the arbitration of

the lord Louis, illustrious king of France, all the provisions. ordinances, statutes and obligations made at Oxford, and all the contentions and discords which we have and have had up to the recent feast of All Saints [1 Nov.] with the barons of our realm, and they with us, because of the provisions, ordinances, statutes and obligations of Oxford above mentioned, promising, and through our beloved and faithful William Biset, knight, and Robert Fulton, clerk, of our special mandate, swearing by our soul on the Holy Gospels that whatever the said king of France shall ordain or institute on all the said matters, or any of them from high or low, we will observe with good faith; provided that the said lord king of France shall say his say on this before the next feast of Pentecost. In witness whereof we have caused our seal to be affixed to these present letters. [Edward, the king's son, and thirty other magnates appended their seals in token of consent to this arrangement.]

78.

[Both sides having sworn to abide by the French king's arbitration, the award is published at Amiens on 23 January, 1264. Lib. de Ant. Leg., p. 59.]

The said provisions, ordinances, statutes and obligations in whosesoever name they are held, and whatever has followed from them or by occasion of them, by our dictum and ordinance we cancel and make void, especially as it appears that the pope has announced through his letters that they are cancelled and made void. We also resolve that all letters made on behalf of the said provisions or by occasion of them are null and void, and we also ordain that they are to be restored and given back by the barons to the said king of England. We say and ordain that all castles which have been surrendered into custody for the security or by occasion of the said barons and still retained,

shall be freely given back to the said king by the barons, to be held by the said king as he held them before the time of the said provisions. We declare and ordain that it is lawful for the said king freely to appoint, dismiss, institute and remove at his own free will as he used to do, before the aforesaid time, the chief justice, the chancellor, treasurer, lesser justices, sheriffs, and all other officials and ministers of his kingdom and his household. We withdraw and cancel that statute that has been made that the kingdom of England shall henceforth be governed through nativeborn men, and that aliens are to depart from it and not return save those whose presence the faithful men of the kingdom shall jointly accept. We ordain through our dictum that it is lawful for an alien to remain securely in the said kingdom, and that the said king can call to his council the aliens who seem to him useful and faithful, as he was able to do before the said time. We say and ordain that the said king has full power and free rule in his kingdom and its appurtenances; and he is in that state and in that full power in all things and through all things as he was before the said time. But we do not wish nor intend through this present ordinance to derogate from any royal privileges, charters, liberties, statutes, or praiseworthy customs of the English realm which existed before the said time. We ordain also that the said king shall be forbearing towards the said barons and shall remit all rancour which he may have against them by occasion of the above, and similarly the barons to him, and that no other shall henceforth be in any way oppressed or offended by occasion of the above.

79.

[The "Mise of Amiens" is rejected by Simon and his supporters. Lib. de Ant. Leg., p. 60.]

Again a parliament was held at Oxford between the lord king and the said barons, but the Londoners and the barons of the Cinque Ports and almost all the middling orders of the English nation, who indeed did not submit themselves to the arbitration of the king of France, entirely gainsaid his will.

Wherefore the Londoners made for themselves their own constable and marshal, at whose summons when the great bell of St. Paul's was heard all had to go out of the city, and not otherwise, with weapons and well armed, both by night and by day, following the standard of the said constable and marshal wherever they might wish to lead them. Afterwards Hugh le Despenser the justiciar, who was then constable of the Tower, went out of the city with an innumerable crowd of Londoners to follow the standards of the said constable and marshal. Not knowing where they ought to go or what to do, they were led to Isleworth, and there they destroyed and burned the manor of the king of Germany and carried off all the goods found there. They broke and ruined the mills and fish ponds, observing no truces, while he remained in the said parliament. And this was the beginning of calamities and the start of the fatal war through which so many manors were destroyed and so many men, both rich and poor, ruined, and so many thousands of men perished.

80.

[Course of the war. 1263-1264. Annales of Dunstable, p. 228 et seqq.]

The army [of the barons] turned back towards Kenilworth, and the lord Edward, contrary to the terms of the peace, took the citizens of Gloucester, imprisoned them and despoiled them of all their goods. Then he returned to Oxford where the king was, sending William of Valence and others round about to pillage the countryside, particularly their enemies' lands. Then because the lord Edward was thus foolishly lost, the earl was greatly confused and

ashamed, and he bitterly rebuked his son Henry because of it. Because indeed the lord Edward had not kept to the day, according to the aforementioned form [i.e. of a truce arranged], the barons therefore were greatly disturbed, and they made ready for London with an innumerable multitude to take council with the Londoners, their allies, as to what should be done.

The king sent messengers throughout England to summon all his tenants to come with horses and arms to him at Oxford in mid-Lent. When he had taken counsel with them, he first (as it has been said) caused three bishops who were present and twenty-four priests to excommunicate all who opposed the Provisions of Oxford, had spoiled holy places, and had deprived religious or clerks of their Afterwards on Thursday he had his Dragon banner unfurled before him, and took the road from Oxford to Northampton, wishing to know who denied him entrance, especially since the barons had the custody of the town, the custody of the castle having been handed over to lord Roger de Wautone by them. Now there were within the town the younger Simon de Montfort, Peter de Montfort, Ralph Picot, Hugh Gubiun, Osbert Giffard, Simon de Pateshulle and many others. But those of the king's party who came and sought entry on Friday did not obtain it. When the king, however, went to the gate on Saturday with some of his men, he and they were admitted. Others meanwhile went to the town walls surrounding the garden of the prior of St. Andrew's, which the prior is said to have maliciously weakened in some way and shown to the king and his men, and made a sharp assault with great violence. When Simon [the younger] heard this and when a great part of the wall had already fallen, he manfully resisted and repulsed the assailants once and a second time with the help of lord Ingelram de Balliol and a certain squire. When he wanted to hold them back a third time and could

not, he charged with great impetuosity, bearing himself right boldly in their midst. And because his horse fell backwards he and his companions were taken with honour. When the others saw this, some of them ignominiously fled to a church, while the others were received into the castle. Now what more is there to say? All were taken and held fast, and those who were with the king pillaged the citizens and all others to the last halfpenny. . . .

The earl Simon, who was in London, made himself and his men ready for Northampton. When he reached St. Albans, he was informed that the Jews of London had prepared a rebellion in the city, so he immediately returned and found they had Greek fire in their possession with which they were going to fire the city on the Vigil [12 April] of Palm Sunday. They had made themselves false keys for every gate of the city, and, it is said, they had underground passages to every gate. Because of this he had the Jews, from the least to the greatest, put to death, save certain elders of whom he wished to make further inquiries, and save those who were willing to receive baptism. Gilbert de Clare did the same to the Jews of Canterbury.

While this was happening the earl marched to Rochester castle, in which were the earl of Warenne and a certain other earl, Roger Leyburne, Reginald FitzPeter, and many others in hiding. These, as soon as the Greek fire had been applied to London, were ready to enter the city and occupy and destroy it. When earl Simon had come to Rochester, the citizens broke down the bridge and also fortified their side of the bridge against an assault. But the earl cleverly set fire to the fortifications of the bridge and took the town by force of arms, first killing four or five of the citizens. When the earl had laid siege to the castle, on the first day he took the outer bailey, carefully and manfully attacking the tower with Londoners.

The king, who was at Nottingham, hastened with his army to Rochester to raise the siege. Meanwhile earl Simon heard that unless he went quickly to London, the city would be handed over to the lord Edward by certain turbulent people. Therefore the earl abandoned the siege and returned hastily to London, and finding the news was true, he took hostages from the traitors for their future fidelity to the barons. When the king came near to Rochester, the earl came out of London with his men, preceded by the traitors, and followed the king and his son Edward, who were going to the coast, so that he might take up his stand with his army at Lewes and open negotiations with regard to a peace, first by knights, secondly and thirdly by bishops.

81.

[Battle of Lewes. 14 May, 1264. Rishanger, Chronica, p. 25 et seqq.]

Earl Simon passed that night without sleep, giving time, as was his habit, to divine offices and prayers and exhorting his men to make sincere confessions. Walter de Cantilupe, bishop of Worcester, absolved them all, and commanded that for the remission of their sins they should manfully strive for justice on that day, promising to all who should die thus the entry into the heavenly kingdom.

Battle being therefore certain, at daybreak before the rising of the sun, they went out from the village of Fletching, where a great part of them had spent the night, and which was about ten miles from Lewes. Before the start earl Simon de Montfort girt Gilbert de Clare with a knight's sword.

When they had marched near the town of Lewes and were hardly two miles distant from it, Simon with his men ascended a hill and placed his chariot there in the middle of his baggage, and having purposely placed and firmly erected his standard upon it, he encircled it with many armed men. Then with his own forces he held the ground on either side and awaited the issue of events. In the chariot he set four London citizens, who a little before, when he passed the night in Southwark, had conspired to betray him. This he did as a warning.

When he had thus prudently arrayed his forces, he ordered white crosses to be sewn on their backs and breasts over their armour, so that they should be distinguished from their enemies, and to indicate that they were fighting for justice. At dawn the baronial army suddenly attacked the king's guards who had gone out to seek for food or fodder and killed many of them.

When the king therefore was sure of the coming of the barons, he soon advanced with his men, with his standards unfurled and preceded by the royal banner, portending the judgment of death, which they call the "Dragon." His army was divided into three parts: the first line was commanded by Edward, the king's eldest son, together with William de Valence, earl of Pembroke, and John de Warenne, earl of Surrey and Sussex; the second by the king of Germany with his son Henry; and the third by king Henry himself. The baronial forces were divided into four, of which the first line was given to Henry de Montfort, the second to Gilbert de Clare together with John FitzJohn, and William of Montchensy; in the third were the Londoners under Nicholas Segrave; while the earl himself with Thomas of Pelveston led the fourth.

Then Edward with his line rushed on his enemies with such violence that he compelled them to retreat, and many of them, to the number of sixty knights, it is said, were overwhelmed. Soon the Londoners were routed, for

¹ i.e. on the two slopes which lead from the top of the downs to Lewes, with a valley between them.

Edward thirsted for their blood because they had insulted his mother, and he chased them for four miles, slaughtering them most grievously. But through his absence the strength of the royalists was considerably diminished.

Meanwhile many of the mighty men of the royal army, seeing the earl's standard on the hill and thinking he was there, made their way thither and unexpectedly slew those London citizens, for they did not know that they were on their own side. In the meantime the earl and Gilbert de Clare were by no means inactive, for they smote, threw down and killed those who opposed them, endeavouring with the utmost eagerness to take the king alive. Therefore many of the king's supporters rushed together-John earl of Warenne, William de Valence, Guy de Lusignan, all the king's half brothers, Hugh Bigod and about three hundred warriors—and seeing the fierceness of the barons, fled. There were captured, Richard, the king of Germany, Robert Bruce and John Comyn, who had led the Scots thither. Also King Henry had his horse wounded under him, and giving himself up to earl Simon was soon brought under guard to the priory.

There were killed on that day many Scottish barons, and a great number of the foot soldiers who came with them had their throats cut. Meanwhile Humphrey de Bohun earl of Hereford, John FitzAlan earl of Arundel, William Bardolf, Robert de Tateshale, Roger de Somery, Henry Percy and Philip Basset were taken prisoner. But on the king's side there fell the justiciar, William of Wilton and Fulk FitzWarin, the one slain by a sword, the other drowned in the river. On the barons' side fell Ralph Haringod, baron, and William Blund the earl's standard bearer. On both sides five thousand are said to have fallen.

When Edward and those fighting with him returned from the slaughter of the Londoners, not knowing what had happened to his father, he went round the town and came to Lewes castle. When he did not find his father there, he went to Lewes priory, where he found his father and learned what had happened. Meanwhile the barons made an assault on the castle, but as those shut up in it defended themselves manfully, the barons withdrew. When Edward saw their boldness within the castle, he was greatly inspirited, and collecting his men again, he wished to continue the battle afresh. Discovering this the barons sent arbitrators of peace, promising that they wished to treat for an effectual peace the next day.

On the next day with the friars, preachers and minor, acting as intermediaries, it was decided that Edward and Henry should surrender themselves to earl Simon in the place of their fathers, the kings of England and Germany, under the hope of peace and quiet, so that there might be deliberate discussions as to which of the provisions and statutes should for the profit of the realm be kept and which overthrown, and that the captives might thereupon be given back without ransom.

On the following Saturday the king disbanded all his adherents, and at the wish of earl Simon wrote to those who were defending Tonbridge that they might return home without harming the barons. But in spite of this they proceeded with their arms, when they heard that the Londoners who fled from the battle had been received at Croydon, and though many of them had perished, they hastened to carry away spoil from there. Then they marched towards Bristol, where until the liberation of Edward they remained encamped. Edward, however, was sent away to be guarded at Wallingford castle.

82.

[The doings of Richard, king of the Romans, at the battle. Wright, Political Songs, p. 69 (English).]

Sitteth all stille ant herkeneth to me:
The Kyng of Alemaigne, bi mi leauté,
Thritte thousent pound askede he
For te make the pees in the countré,
And so he dude more.

Richard, than thou be ever trichard, trichen shalt thou never more.

Richard of Alemaigne, whil that he wes Kyng, He spende al hes tresour open swyvyng ²
Haveth he nout of Walingford o ferlyng:—
Let him habbe, ase he brew, bale to dryng, ³
Maugre Wyndesore.

Richard, that thou be ever, etc.

The Kyng of Alemaigne wende do ful wel,
He saisede the mulne for a castel,
With hare sharpe swerdes he grounde the stel,
He wende that the sayles were mangonel
to helpe Wyndesore.
Richard, etc.

The Kyng of Alemaigne gederede ys host Makede him a castel of a mulne post, Wende with is prudeant is muchele bost, Brohte from Alemaigne mony sori gost to store Wyndesore.

Richard, etc.

By God, that is aboven ous, he dude much synne, That lette passen over see the erl of Warynne,

¹ traitor. ² luxury. ³ evil to drink. ⁴ mill.

He hath robbed Engelond, the mores, ant the fenne, The gold ant the selver, ant y-boren henne, for love of Wyndesore. Richard. etc.

Sire Simond de Mountfort hath swore bi ys chyn, Hevede he non here the erl of Waryn, Shulde he never more come to is yn, He with sheld, he with spere, he with other gyn, to help of Wyndesore.

Richard, etc.

Sire Simon de Montfort hath swore bi ys cop, Hevede he non here Sire Hue de Bigot, Al he shulde quite here twelfmoneth scot, Shulde he never more with his fot pot,¹ to helpe Wyndesore. Richard, etc.

Be the luef, be the loht, sire Edward, Then shalt ride sporeles o thy lyard Al the ryhte way to Dovere ward; Shalt thou never more breke fore-ward, and that reweth sore:

Edward, thou dudest ase a shreward, forsoke thyn emes lore.

Richard, etc.

83.

[The terms made between the defeated royalists and Montfort are set forth in a document known as the "Mise of Lewes." Its actual text has not been preserved, but some chronicles supply an abstract. Rishanger, *Chronica*, p. 37.]

I. For the re-establishment of peace in the realm of England and the reconciliation of the discords which have

¹ tramp on his feet.

² be it agreeable or disagreeable.

³ hack.

⁴ uncle's.

arisen or may arise in the said realm, it is agreed to refer to the archbishop of Rouen, the bishop of London, Peter the chamberlain [of France], Hugh [le Despenser] justiciar of England, and the bishop of Narbonne, then legate of the apostolic see, as arbiters or arbitrators; full power being given to them in all things save that they are by no means to interfere with prisoners or the manner of their liberation.

II. If four or three of the aforementioned concur in one opinion on the premises, their opinion will prevail, that of the fifth being of little importance; if two only agree, their opinion will not stand till it is approved by the fifth, otherwise the arbitration will be at an end.

III. Those arbiters shall swear to choose native-born councillors only, who they know will prove useful to the king and kingdom.

IV. The king is to confide in his councillors without exception of persons, in showing justice and in instituting ministers, officials or bailiffs who are to be English and native-born only. The king is to cause to be observed the ancient charters both of liberties and of the forest, and the articles against the oppressions of justices, sheriffs and other bailiffs. Also his councillors shall provide that the king shall incur moderate expenses, and shall not exercise his vast liberties until the old debt shall have been paid and he can live of his own without oppressing the merchants and the poor, and in these provisions of his councillors the king is to acquiesce.

V. The award shall be confirmed by good security, and when that confirmation is well and fully established the hostages for peace, the lord Edward and Henry of Germany shall be set at liberty, on condition that before their release they give security for the proper observance of the peace, and that they will not raise new war or discord in the kingdom, but together with the other earls and barons

willing to observe the peace and award, will resist with all their power those who wish to stir up war or discord.

VI. Full security shall be shown to the earls of Leicester and Gloucester, that in the future they shall be in no way troubled by reason of anything done in the past.

VII. That arbitration shall be held in England and closed by next Easter at the latest.

84.

[Treatment of the king and the royal hostages. Lib. de Ant. Leg., p. 63.]

Afterwards on the Thursday [22 May] before Ascension day, the peace between the king and the barons was proclaimed in London, and on the following day the baronial army came to London and with them the lord king and his men, the king of Germany and many prisoners who had been taken in the said battle, the lord Edward and Henry of Germany, who were hostages, as it has been said, and had been placed under guard in Dover castle. Then the king of Germany and many other prisoners were placed in the Tower of London. The lord king, however, was lodged at St. Paul's and then many of his household were removed from him, and nothing was furnished to him or to the king of Germany until they handed over their hostages to the barons.

Afterwards the king of Germany was brought to Berkhampstead castle. Then the bishops and barons held a parliament in which ordinances were made, as appears in the lord king's letters which he himself made and sealed with his own seal.

85.

[A parliament is summoned at Montfort's instigation. 1265. Ibid., p. 70 et seqq.]

In this year, on the octave of St. Hilary [20 Jan.], there came to London at the lord king's summons all the bishops,

abbots, priors, earls and barons of the whole realm, and many from the Cinque Ports, and from every city and borough four men¹ to be at the parliament. On this parliament, on St. Valentine's day [14 Feb.], it was published in the chapter house at Westminster that the lord king had bound himself by his oath and charter that neither he nor the lord Edward would in the future trouble nor cause trouble to the earls of Leicester and Gloucester, the citizens of London or any of their adherents, by reason of anything done in the time of the late disturbances in the kingdom, and he expressly commanded that the charters of liberties and of the forest which were made in the ninth year of his reign should be inviolably kept with the other articles which were made into statutes in the month of June in the forty-eighth year of his reign.

Afterwards on the day before [11 March] the feast of St. Gregory, the lord Edward and Henry of Germany, who had given themselves as hostages at the battle of Lewes until peace should be restored in England, were set at liberty by the lord king freely and quietly, in the presence of all the people in the great hall of Westminster, and then were read certain letters binding upon the lord king and the lord Edward in which was contained how and under what penalty they promised on their oath to preserve the tranquillity and peace of the realm. Then nine bishops in their pontificals with lighted candles excommunicated all those who should dare anything against the charters of liberties and of the forest, or against the statutes made in the preceding year.

Then were read certain other letters of the lord Edward, in which on his oath he promised to restore three castles which he had in the marches of Wales. These were handed over by the king's council for a continuous period

¹ See writ, infra, p. 180.

of three years to the custody of men of the realm who were not under suspicion.

Then he promised that he would take great care that the knights of the Welsh marches should carry out the arrangements made, and if they would not, he himself would be a capital enemy to them, and by force of arms and with all his power would compel them to do so.

Then he promised that he would not bring nor allow foreigners to be brought into the realm of England, and if any came and he had been forewarned by the king's council, he would thwart them with all his might. And for the faithful observance of all this he pledged himself that all the lands, tenements, honours and dignities which he held or might hold, should be proceeded against, should he go against any of the said articles, and this should be openly declared. For the greater security of this lord Henry of Germany gave himself as a hostage, of his own will, on behalf of the said lord Edward, to be in the custody of Henry de Montfort until St. Peter's Chains [1 Aug.]. If in the meantime any army of foreigners should prepare to come in arms to England, then the said Henry should remain a hostage in the same custody until the following feast of All Saints on behalf of the lord Edward, so that meanwhile it might be known in what manner the lord Edward wished to behave towards the said foreigners.

86.

[Growing dissatisfaction with Montfort. 1265. Rishanger, Chronica, p. 30 et seqq.]

Both this year and the last earl Simon took the king of England and his son Edward, whom he had brought from Wallingford, about with him, until he had occupied all the strong castles in the land. Then he shewed himself more difficult in the matter of treating for peace according to the said form, because the king and the kingdom were entirely in his power. At last he placed under custody the king of the Romans in the Tower of London, Edward and Henry, kings' sons as they were, in Dover castle, taking the king of England with him. Yet wherever he went, he was received honourably and like a king, and the earl shewed him all manner of reverence.

In the meantime, certain renowned knights who were very experienced in arms, namely Roger Mortimer, James of Audley, Roger Leyburne, Roger Clifford, Hamo Lestrange, Hugh Turberville and many others, being angered at such treatment of kings and their sons, with one accord rose against the earl of Leicester. To repress their audacity earl Simon associated with himself Llewelyn prince of Wales, and entered Hereford castle and transferred the captive Edward there from Dover. Then he recovered the earl of Hereford's castle called Hay, and took Ludlow castle and proceeded towards Montgomery. Then peace was made between earl Simon and the said nobles, and hostages were given by them. Then the earl went southwards to meet the army which it was said was to come from France to the king's help.

87.

[Quarrel between Montfort and the earl of Gloucester. 1265. Chronica, p. 75.]

Between Easter and Whitsuntide arose a disagreement between the earl of Gloucester and the earl of Leicester, the lord king being at that time at Gloucester. The earl of Gloucester said that many of the articles which were made at Oxford and at Lewes were not fully observed; and the said earl put these articles in writing. Whereupon the said earls of Gloucester and Leicester placed themselves by their oaths and letters of obligation on the arbitration of the bishop of Worcester, Hugh le Despenser, John FitzJohn and William of Montchensy, but nothing came of it.

88.

[On 28 May, 1265, Edward, whose promised release had never taken place, escaped from Hereford. Hutton, Simon de Montfort and his Cause, p. 145, from Robert of Gloucester, ii., line 756. (English).]

Sir Simon de Montfort, wise man though he were, Het¹ that men to Sir Edward great reverence should bear, So that he might play up and down, as in company, So that there was a wile agreed on. For as in good innocency

Sir Edward prayed sir Simon that he would him give To spur steeds without the town, leave.

Leave was to him granted, God wot to what end, So that sir Edward without town began to wend.

A steed he began to spur well for the mastery, And with him he had of knights a fair company.

And then he took another, and weary them made anon,

And then he took the third, the best of each one.

As it was before bespoke the which he should trust,

He spurred it first softly as him little lust,

When he was a little from the folk, with spur he smote to ground,

The sides ran a-blood in a little stound 2

Then of steeds a good and quick they found.

Away went this good knight. When he was out of hand, "Lordings," he said, "have now good day,

And greet well my father the king; and I shall if I may, Both see him well betime and out of ward him do."

What need of a long tale? He escaped so,

And to the castle of Wigmore his way soon he nome.

There was joy and bliss enow, when he was thither come.

89.

[Edward, joined by the earl of Gloucester and the marchers, surprises the young Simon at Kenilworth. August, 1265. Chronicle of Melrose, p. 198.]

Edward, the eldest son of the king of England, having escaped from Simon's custody one evening when he went out into the fields for recreation with a very few persons of Simon's household, met many of the men of the marches who for long had held lands under him there, that is in the earldom of Chester, and was received most joyfully by them. He remained with them for two days, and then hastened to the earl of Gloucester to procure the liberation of his father. On his arrival the earl received him with due respect and they discussed the captivity of the king in Simon's hands, and the prince besought the earl to help him to set him free. Soon the earl promised that he would place all his army at the king's disposal. With all possible speed he collected it, and together with Edward and his marchers marched to free the king, against Simon, who was then at Hereford keeping the king in constraint with him.

As soon as Simon heard that the earl of Gloucester and his army were about to attack him, he sent without delay to such of the nobles as had continued faithful to the barons in the first war. When the nobles and barons received his message, they were astonished at Edward's unexpected escape, and immediately went and joined Simon at Evesham on the appointed day. Realising that caution was necessary, Simon had left Simon his son in one of the chief strongholds in all England, in the castle of Kenilworth, with many armed knights, so that if it happened that Edward should make a frontal attack on the elder Simon, Simon the son should follow Edward and attack his army in the rear. This would have been done,

but for the treachery of a certain knight who had betrayed to Edward the elder Simon's arrangements with regard to the numbers of armed men in the castle.

Being warned beforehand by the traitor, Edward knew that the armed men were to march out of the castle while it was still daylight and that they intended to pass the night in the town, which was close at hand. Therefore that very night he sent men from the army which he had collected, to take Simon's men, who, as we have said, had on the previous day, unfortunately for themselves, abandoned the castle with the idea of sleeping in the various houses adjoining it. This was why they left the castle: they chose to go out for baths so that, after rising from their beds at daybreak comfortably bathed, they might because of the baths bear themselves more sprucely for battle on the following day, and in the town they could have a greater abundance of vessels for bathing than they could well have in a castle. This was the cause of their departure from Simon's well-guarded stronghold, and the said knight mentioned the baths provided for them in the town when he betrayed them to Edward.

When, in the middle of the night, Edward's men burst in upon Simon's sleeping forces, they raised a very loud noise throughout the town, and when these heard it, they were exceedingly terrified by the awful clamour, and especially were they seized with fear and trembling, terror and dismay when they heard the noise of horses, and armed men shouting horribly at them and saying, "Get up, get up, rise, rise, from your beds, and come out! you traitors and servants of that worst and most obstinate traitor, Simon, for by God's death, you are all dead men!" Then those who had been thus shamefully betrayed got up and escaped by the back of the houses, leaving behind them their horses, arms, and clothes, and all the baggage which they possessed. Some of them might be seen

running off entirely naked, others wearing nothing but a pair of breeches, and others in shirts and breeches only, for of all of them there were very few, probably not one, able to dress completely. Many of them carried off their clothes under their arms, and just as they had hurried out of the houses in this plight in the hottest haste—God in His infinite mercy giving them their lives—Edward's men rushed in and carried off the horses and armour and everything else which the fugitives had left behind them.

90.

[The battle of Evesham. 4 August, 1265. Hutton, Simon de Montfort and his Cause, p. 146, from Robert of Gloucester, ii., line 762. (English).]

So sir Simon the old came on Monday, i-wis,
To a town beside Worcester, that Kempsey called is,
On Tuesday to Evesham he went in the morning
And there he let for him and his folk priests masses sing,
And thought to wend northward his son for to meet,
But the king would not [stir] a foot before he dined or ate.
And sir Simon the young and his host at Alcester were,
And would not thence wend a foot ere they dined there.
This two dinners doleful was, alas.

For many was the good body that there-through slain was.

Sir Edward and his power soon came to ride
To the north half of the town, battle for to abide.
When sir Simon it knew and they that with him were,
Soon they let arm and their banners uprear;
The bishop Walter of Worcester absolved them all there,
And preached to them [so] that they had of death the less
fear.

Their way against their foes in God's behalf they nome Weening that sir Simon the young to meet them was come. Sir Edward's host and others [being] all so nigh,
He arranged the host right well, and through God's grace
He hoped to win that day the mastery of the place.
Then saw he there beside as he beheld about
The earl of Gloucester's banner and with him all his rout,
As if to close him [in] on the other half, i-wis,

"Lo," he said, "a ready folk and full wary this is,

"And more skilled in battle than before they were,

"Our souls," he said, "God for our bodies are theirs"

"Sir Henry," he said to his son, "this hath done thy pride,

"Were thy brother but come, hope we might yet." They betook life and soul to God's grace each one. And into battle smite fast among their fon, And, as good knights, to ground slew anon, So that their foes fled soon, thickly many a one. Sir Warin of Basingburn when he there did see In front he began to spur and to shout on high "Back, traitor, back, and have it in your thought "How vilely at Lewes ye were to ground brought "Turn again and bethink you that the power all ours is, "And we shall as for nought o'ercome our foes i-wis." Then was the battle strong on each side, alas! But at the end that side was beneath that feebler was, And sir Simon was slain and his folk all to ground. More murder never was before in so little stound, For first there was sir Simon de Montfort slain, alas, And sir Henry his son, that so gentle knight was, And sir Hugh the Despenser, the noble justice. And sir Peirs of Montfort, that strong was and wise, Sir William de Perons and sir Ralph Basset also, Sir John of Saint John, sir John Dive too, Sir William Trussell, sir Gilbert of Enfield, And many a good body was slain there in that field, And among all others most ruth it was ido, 9 *

That sir Simon the old man dismembered was so, For sir William Mautravers (thanks have he none) Carved off his feet and hands, and his limbs many one.

And his head they smote off and to Wigmore it sent To dame Maud the Mortimer who right foully it shent; But though that men limbed him, he bled not, men said, And the hair-cloth was to his body nearest weed. Such was the murder of Evesham, for battle none it was, And therewith Jesus Christ well ill pleased was, As he showed by tokens [both] grisly and good. As befell with Himself when He died on the rood. That through all the earth darkness there was enow, So also the while the good men at Evesham men slew, In the north-west a dark storm there arose Suddenly swart enough, that many a man agros.¹ And it overcast all the land that men might scarce see, A grislier weather than it was might not on earth be, A few drops of rain there fell great enow. This token fell in this land when men these men slew, For thirty miles from thence this saw Robert Who first this book made and was well sore afraid

91.

[Character of Simon de Montfort. Rishanger, De Bello de Lewes, p. 6.]

He was indeed a mighty man and prudent and farseeing. In the practice of arms and in experience of warfare he surpassed all others of his time. He was marvellously endowed with the knowledge of letters, fond of hearing the officers of the Church by both day and night, sparing of food and drink, as those about him saw with their own eyes. At night he used to watch more than he slept, as his more intimate friends have often

told. In the greatest difficulties which he went through in handling state affairs, he was found trustworthy, especially in Gascony whither he went at the king's command and there subdued those who had rebelled against the king but had not so far been conquered, and sent them to England to his lord. Moreover, he was pleasing and witty in speech and always strove to deserve the reward of a praiseworthy faith. Wherefore he did not fear to die, as shall hereafter be recounted. His constancy all men. even his enemies, admired. When others had sworn to observe the Provisions of Oxford, but most of them despised and rejected that to which they had sworn, Simon, when once he had taken the oath, stood firm like an immovable pillar, and neither threats, promises, gifts nor flattery could avail to move him with the other magnates to betray the oath which he had taken to reform the state of the kingdom. He commended himself to the prayers of the religious, and humbly, as with brotherly love, he begged to join them in praying to God for the state of the realm and the peace of the Church. Constantly he prayed that God's grace might keep him free from avarice and the desire of earthly things, for he surely knew that in those days many were burdened by those vices, as events afterwards proved. To the religious and other prelates of the Church whose honesty of life commended them to him he showed all due reverence. He deserved to be called the perfect disciple of a perfect master, for, having been instructed in all good discipline, he clung with sincere affection to the blessed Robert, once bishop of Lincoln, and gave his children to be brought up by him and many times acted on his sound advice. It is said that the bishop told the earl for the remission of his sins, to take upon himself that cause for which he fought even unto death, for he often said that the peace of the English Church could never be secured without the

temporal sword, and that all who died in her and for her should receive the crown of martyrdom. It is recounted by trustworthy people that the bishop once placed his hands on the head of the earl's first-born son, saying, "My dearest son, you and your father shall both die on one day and by one hurt for the cause of justice." Of the manner of the bishop's life, the miracles done by the grace of God at his tomb are sufficient testimony. The earl, like a second Joshua, worshipped justice as the very medicine of his soul.

92.

[At a parliament of magnates held at Winchester in September, 1265, the king is empowered to confiscate the lands of rebels, except those of the earl of Gloucester and his men. The following writ is translated from Calendar of Inquisitions. Miscellaneous (Chancery), i., p. 186. The returns are from the original inquisitions.]

The king to all his faithful men of the counties of Warwickshire and Leicestershire, greeting. Know that lately by the unanimous opinion and wish of our magnates assembled at Winchester there was restored to our hands the seisin of all the lands and tenements by whomsoever occupied, from the lands of our enemies and the rebels who openly opposed us in the disturbance and war lately aroused in our realm, and of their manifest adherents in the said disturbance. Therefore we appoint our beloved and faithful William Bagod and Robert de Grendon, together with our sheriff of the said county, to take into our hands all the said lands and tenements and guard them safely in our name, so that the aforementioned shall obtain a faithful extent of the lands and tenements through the oath of our good and faithful men, in order to know how much they are worth a year according to the correct value of all their issues. And they shall let us have that extent at the next feast of St. Edward, at

Westminster, under the seals of those by whom it was made together with the names of the lands and the names of those to whom the lands and tenements belong. Also they shall assign two of the more discreet and faithful men to be found in each hundred to collect and receive the return, when they shall have made a diligent inquisition concerning the total returns from the next Michaelmas term. And they shall let them have the sum of the said returns in each place and township. And they shall faithfully and fully certify us of that sum and the names of those collectors. And if by chance they shall receive thence anything from the said returns, without delay they shall distrain for full restitution. We also wish that if the lands or tenements of the said rebels shall have been restored to any other rather than to us after the Thursday next following the feast of the Exaltation of Holy Cross, they shall be recalled into our hands through the said William and Robert and the said sheriff to be held safely and extended in the said form. But if any of the said William and Robert or the sheriff shall be prevented through sickness or in any other way from fulfilling the said business, then two others shall proceed in the said business and fully and faithfully despatch it in the said form. And so we command you to be intendant and helpful to the said William, Robert and the sheriff in those things which shall have been enjoined upon you on our part. . . . Witnessed by the king at Winchester on the 21st day of September.

[Other knights were appointed similarly in other counties.]

(a)

[Chanc. Inq. Misc. File 25 (1), Bedfordshire.]

Inquisition made by twelve jurors of the hundred and half hundred of Biggleswade, namely by [names of jurors].

They say that Henry de Cramarvill of Edworth was at the battle of Evesham with horses and arms against the lord Edward, and he was taken prisoner there. And the earl of Gloucester seized his manor, lands and all his tenements and their returns in Edworth and still holds them in his hand. The manor is worth nine pounds a year, and the bailiff of the lord earl received from the Michaelmas returns twenty-nine shillings in the name of Nicholas de Tywinge, and he let the manor to William Belet for a hundred and ten shillings a year, and from the returns seventy and ten shillings remain.

(b)

[Chanc. Inq. Misc. File 25 (5), Bedfordshire.]

Inquisition made by twelve who are of the hundred of Wixamtree . . . who say that lord Henry de Hastings was with lord Simon de Montfort and was taken prisoner at the battle of Evesham, and is in the prison of lord Thomas de Clare, who is in seisin of the manor of Blunham, which is worth seventeen pounds a year in all issues. The Michaelmas returns are fifty-two shillings, seven pence halfpenny, which returns the said lord Thomas took before the feast of St. Michael. Also, master Stephen of Holewell was killed at Kenilworth, and Ralph of Lymar took and carried off all the profits of his church at Blunham from the gift of lord Thomas de Clare, as he says, to the value of forty marks. Also, they say that lord John de Beauchamp had the manor of Kerdington, and he was killed at Evesham. And after the said battle came the men of lord Robert de Brus the younger and seized the said manor, which is worth a hundred marks a year in all issues. And from the returns and aid they took thirteen pounds and three pence before the feast of St. Michael. And the folk of lord Ingram de Ferres entered the said manor before the feast of St. Michael, and took from the said manor three shillings and tenpence.

Also, they say that David of Offinton held certain land in Caldercote and he was taken prisoner at Evesham. And he is in the prison of Osbert Giffard. The said land is worth seven marks a year in all issues. And lord William la Zuke came and seised the said tenement into his hand on the ground that it was of his fee. And he took and carried off of the Michaelmas returns for the said land twenty-one shillings and sevenpence. And of the other articles contained in the writ they know nothing.

(c)

[Ibid. 25 (7), Bedfordshire.]

Inquisition made by twelve legal and faithful men in the town of Dunstable, who say concerning the seisin of all lands and tenements, by whomsoever occupied, from the lands of the lord king's enemies and rebels who manifestly opposed him, that no lands nor tenements nor any enemies or rebels of the lord king were found in the said town.

(d)

[Ibid. 25 (13), Berkshire.]

The verdict of the hundred of Ilsley, the oath of twelve good and legal men of the said hundred, namely . . . These jurors say that the bailiffs of lord William de Valence seized "Wendesclive" and took there on entry ten shillings, and six marks from the Michaelmas returns, and the township is worth seventeen marks a year. And this is the holding at farm from the lord of the township, namely, from Henry de Pec, Dame Milicent Basset, Dame Philippa de Kitteleye, but they do not know whether Henry de Pec was against the lord king or not. And they know nothing more of the conflict at Evesham.

The names of the collectors of the said returns, John de Boccote, Peter de Bodelking.

(e)

[Chanc. Inq. Misc. 25 (14), Berkshire.]

The twelve jurors of the hundred of Morton say on oath that the township of Harwell belonging to the king of Germany was seized after the battle of Evesham by the bailiffs of the earl of Gloucester, and they led away from the same sixteen oxen to Fairford and corn, but they know not [how much]. And that manor remained in the hands of the said earl until the parliament of Winchester. say also that Morton belonging to Miles Basset was seized by John Basset after the said battle, and they led away five beasts, namely, one horse and four mares worth fifty shillings and one horse worth four marks and a half, and that John had twenty shillings of the Michaelmas returns, and the said Miles never resisted the peace of the lord king or the lord Edward, the king's son, but always adhered to them. William de Munchensi now holds the manor, and therefrom took twenty-five shillings of the said returns, and the manor is worth twenty pounds a year. They say also that David de Uffinton took the manor of Didcot and led away from the same in corn and other things to the value of ten marks, and he holds them. They say also that Henry Pride, bailiff of the earl of Gloucester, seized the manor of the widow Danvers in Easton and took eighteen shillings on behalf of six quarters of wheat sold, and they say that she never resisted the peace.

Also, they say that Peter Danesi seized the manor of Richard le Vernun in Basildon, and he took the Michaelmas returns and aid, five pounds, eighteen shillings and eightpence, and the manor is worth fifteen pounds a year. They know nothing more. And here are the names of the jurors who placed their seats . . . and the names of the collectors. . . . Then, the jurors say that the said John Basset led away three horses of the said Miles worth ten marks.

93.

[The Londoners surrender to the king. October, 1265. Lib. de Ant. Leg., p. 79]

Afterwards the lord king withdrew from Windsor and came to London, calling the citizens his enemies. He gave away more than sixty of the citizens' houses when they and all their households had been turned out. Likewise he gave away all the goods of the citizens which they had outside the city, as in Lynn and Yarmouth and other seaports. He took also into his hand all their lands outside, and all the goods found there he destroyed and wasted. Then lord Hugh FitzOtho, constable of the Tower, was made warden of the city and was called seneschal. He appointed under himself two bailiffs, namely John Addrien and Walter Hervey, who guarded the city in place of the sheriffs. . . .

In Christmas week in the same year in the presence of Roger Leyburne and Robert Walerand, who had been sent by the king, the citizens paid the lord king a fine of a hundred thousand marks sterling for all the transgressions and excesses committed in the disturbance of the realm.

94.

[The remnants of the baronial party, now known as the "Disinherited," continue the war. 1266. Hutton, Simon de Montfort and his Cause, p. 153, from Robert of Gloucester, ii., line 771 (English).]

The king anon at mid-summer with strength and with gin To Kenilworth went, the castle to win,

He swore he would not [go] thence till he were within. So long they sped badly that they might as well bliue ¹ None of their gates those within ever close would. Open they stood night and day, come in whoso would.

Out they smite well oft, when men too nigh came,
And slew fast on either half and prisoners name
And then brought them back with ransom. Such life long
did last;

With mangonels and engines each upon the other cast.

The legate and the archbishop with them also nome
Two other bishops, and to Kenilworth come,
To make accord between the king and the disinherited also
And them of the castle, if it might be ido.
But the disinherited would not do all after the king,
Nor they of the castle any the more, nor stand to their liking.

The legate with his red cope amansed 1 tho 2 Them that in the castle were, and full many mo, All that helped them or were of their rede Or to them consented, in will or in deed. They of the castle held it in great despite. Copes and other clothes they let make of white. And master Philip Porpoise, that was a quaint man, Clerk, and hardy in his deeds, and their chirurgian, They made a mock legate in this cope of white Against the others' rede 3 to do the legate a despite, And he stood as a legate upon the castle wall, And amansed king and legate and their men all. Such game lasted long among them in such strife, But much good was it not to soul nor to life. Sir John Deville and others, that disinherited were. Took the castle of Ely, and held them fast there, And in Cambridgeshire of other men's goods enough Fetched and stored themselves and with mow.4 The Jews they also slew that they might find Their treasures, nor of their other goods left they aught behind.

¹ excommunicated. ² then. ³ plan. ⁴ mockery.

95.

[Peace to be restored. 1266. Annals of Dunstable, p. 242.]

In the same year about Michaelmas the legate and the king, seeing the slaughter of many, the peril of souls, and the detriment of the kingdom, wished to provide some form by which peace could be restored. And because they came to the conclusion that this could not be unless the Disinherited had their lands restored to them, it was provided that the king should choose six of his magnates. and those six should choose six others to make twelve who should be especially zealous for the peace and tranquillity of the realm, of whom four should be bishops. For this were chosen the bishop of Worcester, the bishop of Bath. then chancellor, the bishop of Exeter and the bishop of St. David's, Gilbert earl of Gloucester, Humphrey earl of Hereford, Philip Basset, John Balliol, Robert Walerand, Warin Bassingbourne and certain others. These twelve chose in addition the legate and Henry son of the king of Germany. The said twelve drew up provisions and ordinances as well concerning the tranquillity of the king and kingdom, as concerning the restoration of their lands to the Disinherited, and the assessment and making of their ransom. Two of these were chosen to correct, add to or take away from the pronouncements or ordinances of the said twelve, as they knew to be in the interests of the peace of the king and kingdom. After the discussions and making of the ordinances which seemed for the good of the community, on the vigil [31 Oct.] of All Saints the clergy in general were summoned to Coventry by the legate, and all the barons were summoned, and the legate in the presence of all pronounced the dictum or ordinance. When certain matters touching the king had been made public, it was provided concerning the Disinherited as follows: that all who were at Northampton against the king and at

Evesham, and captured at Kenilworth, and in the fight at Chesterfield and in the castle of Kenilworth, except Hugh [Henry] of Hastings and John de la Warr, should give the value of their lands for five years to those who held the same, to redeem them. Henry of Hastings and John de la Warr, however, should give seven years' value because their guilt had been greater. But some, according to the weight of their guilt, should give the value of their lands for two years, others for a year, so that within three years the redemptions of five or seven years should be fully discharged, and then they should have their lands and not before.

All these things were confirmed on oath to be kept faithfully by the whole body both of the clergy and of the barons, and by the king and his sons. When those who were in the castle received the said demands, seeing that they were short of supplies and many were failing through bodily infirmity and would die unless help should come to them within the next forty days, they replied that they were willing to accept the said ordinance. So when what they had in the castle had been removed, they were at liberty to withdraw. But those in the Isle of Ely would not accept the ordinance, and were not willing to go out and surrender the island to the king, but they ravaged the country for twenty leagues around the island for food of some sort and other necessities.

96.

[Extracts from the Dictum de Kenilworth. 31 October, 1266. Stubbs, Select Charters, pp. 407-11.]

1. We say and provide that the most serene prince Henry, illustrious king of England, shall have, fully obtain and freely exercise his lordship, authority and royal power, without any impediment or contradiction through which, contrary to the approved rights, laws and long standing customs of the realm, the royal dignity may be offended; and that full obedience and humble service be given to the lord king and his commands and rightful orders by all and single, greater and less, of the said realm. And all and single shall seek justice and answer in justice, as they used to do before the time of the late disturbance.

- 2. Also we ask the same king and reverently persuade his piety that he should appoint such men to do and render justice as seek not their own interests but the things which belong to God and justice, that they may rightly settle the affairs of his subjects according to the praiseworthy laws and customs of the realm, and thereby render the throne of the royal majesty strong in justice.
- 3. Likewise we ask and persuade the said lord king fully to keep and observe the ecclesiastical liberties, and the charters of liberties and the forest which he is bound to preserve and keep expressly and by his own oath.
- 4. Also let the lord king provide that the concessions which he lately made, of his own free will and not under compulsion, shall be observed, and other necessities which have been devised by his men for his welfare shall stand and endure. Also the English church shall have full restitution of her liberties and customs which she had and ought to have had before the time of this disturbance, and shall be permitted to use them freely.
- 5. We say and provide that the aforesaid king shall altogether forgive and spare all and single who, from the beginning of the present disturbance of the realm, and by reason of it, until this time have committed any injury or offence against him or the royal crown, and who have come to his peace within forty days after the publication of this our provision, so that in no way and on no cause or occasion shall we take any vengeance on account of such past injuries or offences, against the same offenders;

or inflict upon them penalty of life, or limb, imprisonment or exile or fine, save those who are contained below in our present provision.

6. We say also and provide that all places, rights, property and other things pertaining to the crown shall be restored to the same crown and lord king by those who detained them in occupation, unless they show that they possess them by reasonable warrant from the same king or his predecessors.

7. Also we say and provide that all writings, obligations and instruments which the said lord king, or the lord Edward his eldest son, or their faithful men made or lately issued, by reason of the Provisions of Oxford or the disturbances of the realm, at the instance of the late Simon de Montfort, earl of Leicester and his accomplices, shall be wholly annulled and cancelled, and held as completely null and void. Also the prejudicial and damaging acts of the said Simon and his accomplices, and contracts concerning immovable property made by them while they were in power, shall be null and void.

8. Humbly we ask the lord legate and the king as well that the legate will forthwith prohibit, on pain of ecclesiastical constraint, that Simon earl of Leicester shall be reputed by anyone for a saint or righteous man, since he died excommunicate, as Holy Church holds. And that the vain and foolish wonders related about him by some people shall be uttered hereafter by no one; and that the lord king shall be pleased strictly to forbid the same under penalty of death.

97.

[The earl of Gloucester champions the cause of the Disinherited and takes his stand in London. April, 1267. Lib. de Ant. Leg., p. 90.]

Then the lesser people arose, calling themselves the "Commune of the City," as in the time of the earl of

Leicester, and they had the first voice in the city; so that many of the city and also of the magnates were captured by them and placed in the custody of the earl of Gloucester, because they were manifestly loyal to the lord king. The goods of these were sequestered or carried off by the earl. And then the said people elected and made bailiffs Robert of Luton and Roger Marshal, and Richard de Culeworth was made chief bailiff of the city by the earl. Then all who were, as it were, outlawed from the city for breaking the lord king's peace in the earl of Leicester's time came into the city and were gladly received there, and all who were imprisoned in Newgate for the same cause were set free.

[The king and Edward lay feeble siege to the city. Ibid., p. 91.]

In that disturbance the earl did not permit any who came with him to make depredations outside the city, yet those who were lodged beyond the bridge committed depredations and many other evil deeds in Surrey, Kent and elsewhere. These, alas! what grief and shame! came to Westminster and there mutilated the lord king's palace, breaking seats, windows and doors and carrying away what they could. And though the earl made a proclamation every day that no one should commit any depredation, yet many of the city were plundered, wherefore the earl had judgment carried out on certain of them as follows. On one occasion four serjeants of William de Ferrers who were in a raid in which a man of the city was killed, had their hands and feet bound, and were thrown into the Thames and there drowned. And such was the judgment for offences during all that time.

[In June the earl evacuated London and gave bail for keeping the peace. An amnesty granted to the city. *Ibid.*, p. 93.]

Then the lord king through his letters remitted all his ill will towards the Londoners which he had towards them for the aforesaid cause. On the Monday before the feast of St. Michael, when the community had assembled in the Gildhall to elect sheriffs according to their customs, the lord king's writ was sent to Alan de la Zouche, warden of the city, and to the citizens, commanding that John Addrien and Luke de Batencurt should remain bailiffs till his coming to London, and so they remained bailiffs until the following Easter.

98.

[In 1270 Edward goes on crusade. Rishanger, Chronica, p. 64.]

In May of this year Edward, son of the king of England, together with Edmund his brother, four earls and as many barons, and many other nobles, began his journey to the Holy Land, taking with him his wife Eleanor.

99.

[Henry III. dies on 16 November, 1272. Ibid., p. 74.]

Though the king was imprudent in worldly affairs, he was all the more devoted to God. Every day he used to hear three masses and desired to hear more. He was constant in attending private celebrations, and when the priest raised the Body of Christ he used to hold the priest's hand and kiss it. Now it once happened that St. Louis king of the French spoke to him concerning this matter, and said that he himself was not always free to hear mass but rather to hear sermons. The king answered him graciously, but said that at any time he would rather see his friend than hear one speak of him, however well he spoke.

BOOK II. CONSTITUTIONAL.

A. THE ROYAL POWER AND ITS LIMITATIONS.

1.

[Henry III. for the first time is allowed the use of a great seal, under certain limitations, in Nov., 1218. Pat. Rolls, 1216-1225, p. 177.]

The first letters of the lord king's new seal in regard to not making charters or letters patent; and here the lord king's seal begins to run.

Henry by the grace of God king of England, etc., to all who shall see these letters, greeting. Know that it has been provided by the common council of our kingdom that no charter, no letters patent of confirmation, alienation, sale, or gift, or of anything else which can go on in perpetuity shall be sealed with our great seal until we come of age. [Here follow the names of the legate, the two archbishops, William Marshal, and Hubert de Burgh, as witnesses, and the names of forty-five other magnates who were also present.] It is provided also by the common council of our kingdom and in the presence of all the aforementioned, that if any charter or any letters patent made according to any of the aforesaid forms are found sealed with the said seal they are to be held null and void. Witness the aforesaid persons and many others.

2.

[In 1223 Pope Honorius III. declares that Henry is competent to govern. Royal Letters, i., no. ccclviii.; Ancient Correspondence, i., 21.]

. . . Honorius the bishop, servant of the servants of God, to his beloved son [Ralph de Neville] elect of

Chichester, vice-chancellor of our very dear son in Christ Henry, illustrious king of the English, greeting and apostolic blessing. . . . Although in years our dear son in Christ Henry, illustrious king of the English, is still a youth, vet since, as we are informed and are glad to know, he has already acquired a manly spirit, and is advancing in age and prudence, so that what is lacking in the tale of years is made up for by the virtue of discretion, he ought not now to be held back from disposing usefully and prudently of his kingdom and its affairs. As therefore by our letters we have commanded our venerable brother the bishop of Winchester and those noble persons the justiciar and William Brewer henceforward to resign to him the free and tranquil rule of his kingdom; we bid your discretion, commanding you by our apostolic letters, as you have the custody of the seal of the same king, henceforth to use it according to his pleasure, and to be entirely obedient and attentive to him, and in the future to cause no letters to be sealed except by his wish; but do you assist him personally, faithfully and devotedly as you used to assist his father, and strive always, by loyal advice and exhortation, to lead him to the right course. Given at the Lateran on the ides of April in the seventh year of our pontificate.

3.

[On 11 February, 1225, at a Great Council, Magna Carta and the Forest Charter of 1217 are reissued. Stubbs, Select Charters, pp. 350-1.]

Henry by the grace of God king of England, lord of Ireland, duke of Normandy and Aquitaine and count of Anjou, to the archbishops, bishops, abbots, priors, earls, barons, sheriffs, reeves, officials and all his bailiffs and faithful people who shall see the present charter, greeting. Know that we, out of respect for God and for the salvation

of our soul and the souls of our ancestors and our successors, for the exaltation of Holy Church and the reform of our realm, voluntarily and of our own good will, have granted and conceded to the archbishops, bishops, abbots, priors, earls, barons and all of our realm these underwritten liberties to be kept in our realm of England for ever.

- (1) In the first place we have conceded to God and by this our present charter have confirmed for us and our heirs for ever that the English Church shall be free and shall have her rights entire and her liberties inviolate. Also we have conceded to all the free men of our kingdom for us and our heirs for ever all the underwritten liberties to be held and kept for them and their heirs from us and our heirs for ever.
- (2) If any of our earls or barons or others holding from us in chief by military service shall have died, and at the time of his death, his heir shall be of full age and shall owe relief, he shall have his inheritance by the ancient relief, to wit, the heir or heirs of an earl £100 for a whole earl's barony, the heir or heirs of a baron £100 for a whole barony, the heir or heirs of a knight 100s. at most for a whole knight's fee; and whoever owes less let him give less, according to the ancient custom of fiefs.
- (3) But if the heir of any such be under age, let not his lord have the wardship of him or of his land before he has taken his homage; and, after such an heir has been in wardship, when he comes of age, that is to twenty-one years, let him have his inheritance without relief and without fine, but so that, if he, while under age, is made a knight, nevertheless his land may remain in the wardship of his lord until the said date.
- (4) The guardian of the land of such an heir under age may take from the land of the heir only reasonable issues, reasonable customs and reasonable services, and this

without destruction and waste of men or goods; and if we shall have committed the wardship of any such land to the sheriff or to any other who has to answer to us for the issues of that land, and he shall have made destruction or waste of the wardship, we will take amends from him, and the land shall be committed to two lawful and discreet men of that fee who shall be responsible for the issues to us or to him to whom we shall assign them; and if we shall have given or sold the wardship of any such land to anyone and he has made destruction or waste therein, he shall lose that wardship and it shall be handed over to two lawful and discreet men of that fee who shall be responsible to us in like manner as has been said.

- (5) The guardian, however, so long as he has the wardship of the land, shall keep up the houses, parks, fishponds, pools, mills and other things pertaining to that land, out of the issues of the same land, and he shall restore to the heir when he comes to full age, all his land stocked with ploughs and all other things, at least as he received it. All these provisions are to be observed with regard to wardships of archbishoprics, bishoprics, abbacies, priories, churches and vacant dignities, except that the wardships of these ought not to be sold.
 - (6) Heirs shall be married without disparagement.
- (7) A widow after the death of her husband shall immediately and without any difficulty have her marriage portion and inheritance; nor shall she give anything for her dower or for her marriage portion or for her inheritance, which inheritance her husband and she held on the day of his death, and she may remain in the chief dwelling of her husband for forty days after his death, within which days her dower shall be assigned to her, unless it has been assigned to her before, or unless that house is a castle; and should she withdraw from the castle, immediately there shall be provided for her a sufficient house

in which she may honourably remain until her dowry be assigned to her as aforesaid, and meanwhile she shall have a reasonable provision from the common stock. But for her dowry there shall be assigned her a third part of the whole of her husband's land which was his in his lifetime, unless she shall have been dowered with less at the church door. No widow shall be compelled to marry as long as she wishes to live without a husband, provided always that she gives security that she will not marry without our consent, if she holds of us, or without the consent of her lord, if she holds of another.

- (8) Neither we nor our bailiffs shall seize any land or rent for any debt, so long as the chattels at hand are sufficient to repay the debt and the debtor himself shall be ready to make satisfaction thereupon; nor shall the sureties of the debtor be distrained as long as the principal debtor is able to satisfy the debt; and if the principal debtor shall fail to pay the debt, having nothing wherewith to pay it or he does not wish to pay back when he can, the sureties shall answer for the debt; and, if they wish, they shall have the lands and revenues of the debtor until they shall be satisfied for the debt which they have previously paid for him before, unless the principal debtor shall have shown that he is quit thereof as regards the said sureties.
- (9) The city of London shall have all its ancient liberties and free customs. Furthermore we wish and grant that all other cities, boroughs and towns, and the barons of the Cinque Ports, and all ports, shall have all their liberties and free customs.
- (10) No one shall be distrained to perform greater service for a knight's fee nor for any other free tenement than is due therefrom.
- (11) Common pleas shall not follow our court but shall be held in some fixed place.

- (12) Inquests of novel disseisin and of mort d'ancestor and of darrein presentment shall not be held anywhere but in their own county-courts, and in the following manner: we, or if we should be out of the realm, our chief justice, will send two justices through every county once a year, who shall together with knights of the county hold the said assizes in the county courts. And those things which cannot be determined through the said justices sent to hold the said assizes at their coming in the county court, shall be determined through the same elsewhere on their circuit; and those things which cannot be determined through the same because of the difficulty of any articles, shall be referred to our justices of the Bench [i.e. of Common Pleas] and there determined.
- (13) Assizes of darrein presentment shall always be held before our justices of the Bench and there determined.
- (14) A free man shall not be amerced for a slight offence except in accordance with the degree of that offence, and for a great offence, in accordance with the magnitude of the offence, saving his "contenement" [i.e. an amount sufficient to support him], and likewise a merchant, saving his merchandise, and a villein other than our own shall likewise be amerced, saving his wainage, should he have fallen into our mercy, and none of the aforesaid amercements shall be imposed except by the oath of honest and lawful men of the neighbourhood.

Earls and barons shall not be amerced except by their peers, and only according to the degree of the offence.

No ecclesiastical person shall be amerced according to the extent of his ecclesiastical benefice, but according to his lay tenement, and according to the extent of the offence.

(15) No township nor man shall be compelled to make bridges at river banks, save those who from of old and legally ought to do so.

- (16) No river bank shall henceforward be placed "in defence," save such as were "in defence" in the time of King Henry our grandfather, by the same places and the same bounds as used to be in his time.
- (17) No sheriff, constable, coroners or other bailiffs of ours shall hold pleas of our crown.
- (18) If anyone holding a lay fief of us shall die, and our sheriff or bailiff shall show our letters patent of summons for a debt which the deceased owed to us, it shall be lawful for our sheriff or bailiff to attach and make a list of the chattels of the deceased found in the lay fief to the value of that debt by the view of lawful men, provided that nothing shall be removed thence until the debt which is clearly due is paid to us, and the residue shall be left to the executors to carry out the will of the deceased; and if nothing be owing us from him, all the chattels shall go to the deceased, saving to his wife and children their reasonable share.
- (19) No constable or his bailiff shall take corn or other chattels from anyone who is not of the townships where the castle is situated, unless he immediately pays money therefor or can have postponement thereof by permission of the seller; if, however [the seller], shall be of that township, he shall pay the price within forty days.
- (20) No constable shall compel any knight to give money in lieu of castle-guard, if he is willing to perform that guard in his own person, or through some other honest man, if he himself cannot do it for some reasonable cause; and, if we have led him or sent him upon military service, he shall be quit of guard, according to the length of time which he has been in the army because of us, from the fee for which he did military services.
- (21) No sheriff or bailiff of ours, or any other, shall take anyone's horses or carts, for transport, unless he pays at the fixed rate, namely, tenpence a day for a cart with two

horses and 14 pence a day for a cart with three horses. No demesne cart of any ecclesiastical person or knight or any lady shall be taken through the said bailiffs.

Neither we nor our bailiffs nor any others will take wood for castles or any other work of ours, save with the consent of him to whom the wood belongs.

- (22) We will not hold the lands of those convicted of felony save for a year and a day; and then the lands shall be handed over to the lords of the fiefs.
- (23) All kydells [weirs for catching fish] shall henceforth be removed entirely from the Thames and the Medway and throughout all England, save upon the sea-coast.
- (24) The writ which is called *praecipe* shall not in future be issued to anyone regarding any tenement, by which means a free man may lose his court.
- (25) One measure of wine shall be throughout the whole kingdom, and one measure of ale, and one measure of corn, namely "the London quarter," and one width of cloth dyed and russet and "halberget," namely, two ells within the selvedges. And let it be done concerning weights as it is concerning measures.
- (26) Nothing in future shall be given or exacted for a writ of inquisition of life or limb by him who asks for the inquisition, but it shall be granted free of charge and not denied.
- (27) If anyone holds of us by fee-farm, by socage, or by burgage, and holds land of another lord by military service, we will not have the wardship of the heir nor of his land that is of the fief of another, by reason of that fee-farm, socage, or burgage, nor will we have wardship of that fee-farm, socage, or burgage, unless that fee-farm owes military service. We will not have the wardship of the heir nor of any land which he holds of another by military service, by reason of any petty serjeanty which he holds of us by the service of rendering to us knives, arrows, or the like.

- (28) No bailiff shall henceforth put anyone to his manifest law or to the jury upon his own unsupported complaint, without trustworthy witnesses brought for this purpose.
- (29) No free man shall be taken or imprisoned or disseised of any free tenement of his or his liberties or free customs, or be outlawed, or exiled or in any other way destroyed, nor will we go upon him, nor send against him except by the lawful judgment of his equals or [or "and"] the law of the land (nisi per legale judicium parium suorum vel per legem terræ).

To no one will we sell, to no one will we deny or delay right or justice.

- (30) All merchants, unless previously and publicly forbidden, shall have safety and security for leaving England, and coming to England, staying and travelling throughout England both by land and by water to buy or sell, without any maltoltes, by the ancient and right customs, except in time of war, and if they are of the land at war with us; and if such are found in our land at the beginning of the war they shall be detained without damage to their persons or goods until we or our chief justice know how the merchants of our land are treated who are found in the land at war with us, and, if our men are safe there, the others are to be safe in our land.
- (31) If anyone shall have held from some escheat, such as the honour of Wallingford, Boulogne, Nottingham, Lancaster, or from other escheats which are in our hand, and are baronies, and he shall die, his heir shall give no other relief and shall do no other service than he would do to the baron, if the barony were in the baron's hand; and we will hold it in the same way in which the baron

¹ For a survey of various interpretations of this clause see articles by Profs. Vinogradoff and Powicke in Magna Carta Commemoration Essays (Royal Hist. Soc.), 1917.

- held it. Nor will we by reason of such barony or escheat have any escheat or wardship of any of our men, unless he who held the barony or escheat shall elsewhere have held of us in chief.
- (32) No free man shall henceforth give to anyone or sell so much of his land that of the residue of his land there is not sufficient to perform to the lord of the fief the service due to him pertaining to that fief.
- (33) All patrons of abbeys who have charters of the kings of England concerning advowson, or who have ancient tenure or possession, shall have the wardship of [the abbeys] when they are vacant, as they ought to have and as has been declared above.
- (34) No one shall be taken or imprisoned upon the appeal of a woman for the death of any but her husband.
- (35) No county court shall in future be held except from month to month; and where a greater term is customary, it shall be so. Nor shall any sheriff or bailiff make his turn through the hundred except twice a year and only in the due and customary place, namely, once after Easter and again after Michaelmas. And view of frankpledge shall then be made at the Michaelmas term without oppression, so that everyone may have his liberties, which he had and used to have in the time of King Henry our grandfather, or which he acquired later. View of frankpledge shall be made in such a way that our peace may be kept, and that the tithings shall be full as they used to be and that the sheriffs shall make no exactions, and that he shall be content with what the sheriff used to have for making his view in the time of King Henry our grandfather.
- (36) Henceforth it shall not be permitted to any man to give his land to any house of religion in such a way that he may resume it, to be held from the said house, nor shall it be permitted to any religious house to accept land of

anyone in such a way as to hand it over to him from whom it received it to hold. Now if anyone in future shall have given his land in this way to any religious house, and shall be convicted of this, his gift shall be entirely void, and that land shall fall to his lord of that fief.

(37) For the future scutage shall be taken as it used to be taken in the time of King Henry our grandfather, saving to archbishops, bishops, abbots, priors, templars, hospitallers, earls, barons, and all other persons both ecclesiastical and secular the liberties and free customs which they had previously.

Now all those aforementioned customs and liberties whose observance we have granted in our realm as far as pertains to us towards our men, all of our realm both clergy and laymen shall observe as far as pertains towards their men.

For this concession and the grant of those liberties and of the other liberties contained in our charter of the forest, the archbishops, bishops, abbots, priors, earls, barons, knights, freeholders and all of our realm have granted us a fifteenth part of all their moveables. Also we have granted to the same for us and our heirs that neither we nor our heirs shall demand anything by which the liberties contained in this charter may be infringed or weakened; and if from anyone anything shall have been demanded contrary to this, it shall avail nothing and be held for nought. [The names of 65 witnesses follow.] Given at Westminster on the eleventh day of February in the ninth year of our reign.

4.

[Arrangements for the rule of England during the king's absence on the expedition to Poitou. April, 1230. Pat. Rolls, 1225-1232, pp. 339-40.]

The king to all to whom the present letters shall come, greeting. Know that by the common counsel of earls and

barons and all our faithful men who were with us at Portsmouth before our crossing, we have provided and decreed that, because our beloved and faithful Hubert de Burgh, earl of Kent, our justiciar, will cross with us in his own person, the venerable father Ralph bishop of Chichester, our chancellor, and our beloved and faithful Stephen of Segrave shall look to the government of our realm of England; so that as long as we and our aforesaid justiciar shall be beyond the seas the said Stephen, in the place of the said justiciar, shall with the counsel of the said lord of Chichester our chancellor, deal with all the affairs of us and our realm. Our writs, both in our business affairs and in common law, shall run in our name and title and shall be sealed by our seal which usually remains at our Exchequer; this seal shall be in the custody of the said lord of Chichester, our chancellor. And when it happens that the said Stephen journeys through our kingdom of England, on our business and that of the realm, the said seal shall follow Stephen in the charge of the aforesaid lord of Chichester, our chancellor. But our writs in the Exchequer which formerly used to be sealed with our said seal of the Exchequer, shall meanwhile be sealed with the private seal of our said justiciar, which will remain at our Exchequer in the charge of the lord of Chichester, our chancellor. But we wish and order that those things which the said lord of Chichester, our chancellor, and Stephen, under our name and our title and under our said seal which before used to be at our Exchequer, shall command concerning the affairs of us and our realm, shall be done by all our faithful men remaining in England, at their command and without any contradiction, and likewise those things which our barons of our Exchequer shall command concerning the affairs of our Exchequer under our name and title, under the said private seal of our aforementioned justiciar, which shall remain at

the Exchequer, shall be done at their command generally by all of our realm. And therefore we command you that in all things pertaining to us and our realm of England you shall be devoted and obedient to the lord of Chichester, our chancellor, and to Stephen.

5.

[At a Great Council held at Westminster, April, 1258, the king agreed to "amend the state of the realm," and to abide by provisions made for such reform by a group of twenty-four magnates, of whom twelve were to be members of his council and twelve to be elected on behalf of the magnates. Stubbs, Select Charters, pp. 371, 372.]

(a)

The king to all etc. When, on account of arduous business touching ourselves and our kingdom, we caused the magnates and lieges of our realm to be summoned to us in London on the quindene [21 April] of Easter last; and when we diligently conferred with them concerning the aforesaid affairs, and especially concerning the furthering of the Sicilian matter, they replied to us that if we immediately set on foot a reform of the state of the realm by the counsel of our lieges, and if the lord pope would improve the conditions imposed in connection with the Sicilian affair, so that it might be prosecuted effectively, they would do their utmost with the community of our realm with a view to common aid being offered us for this purpose. We have granted that before next Christmas we, by the counsel of our good and faithful men of the realm of England together with the counsel of the lord pope's legate, should he come to England in the meanwhile, will take order for the state of our realm and firmly observe that settlement. And with a view to the faithful observance of this, we subject ourselves to the coercion of the lord pope, to constrain us in the matter of ecclesiastical

censure, as may seem expedient. Also we hear witness that Edward our first-born son has taken a corporal oath and by his letters has conceded that he will faithfully and inviolably observe, as far as he is able, all the aforesaid, and will take care that they be observed for ever.

(b)

The king to all etc. Know that we have conceded to the nobles and magnates of our realm, after oath made of our soul through Robert Walerand, that by twelve faithful men of our council already chosen and by twelve others of our faithful men chosen on behalf of the nobles, who shall meet at Oxford a month from next Whitsuntide, settlement, rectification and reform of the state of our realm shall be undertaken as may seem expedient, for the honour of God, fealty to us and the profit of our kingdom. And if by chance any of those chosen on our side shall be absent, let it be lawful for those who are present to find substitutes for those absent: and likewise on the side of our said nobles and faithful men. And whatever shall be settled in this matter through the twenty-four chosen on both sides and sworn for this purpose, or the majority of them, we will inviolably observe, and we wish and henceforward firmly command that their settlement be inviolably observed by all. And every kind of security which they or the majority of them shall provide for the observance of this matter, we will make and take care to have made for them fully and without contradiction. Also we bear witness that Edward our first-born son, by a corporal oath and by his letters, has conceded that all things expressed and granted above he will as far as in him lies observe faithfully and inviolably and will cause to be observed for ever. Also the said earls and barons have promised that when the aforesaid matters have been dealt with, they will labour in good faith to the end that a common aid be granted us by the community of our realm.

6.

[The Oxford Parliament. June, 1258. Annals of Burton, p. 438.]

While the lord King Henry was at Woodstock, there was summoned to and assembled at Oxford the magnates both greater and lesser of the whole realm with horses and arms, together with the clergy, to make provision for the reform and better settlement of the realm, and there, under an oath of fealty, were produced the following articles needed for the amendment of the realm.

[Letter from some one who was present describing the proceedings. Ibid., p. 443.]

Greeting. Know that in the Oxford parliament Hugh le Bigod was made justiciar of England, and he swore that he would show justice to all complainants, and that he would not fail in this for the lord king or the queen or their sons, or for any living person, or for anything, neither for hatred nor love, for prayer or pay, and that he would not receive anything from anyone, save food or drink which it is customary to bring to the tables of the rich. Afterwards all the castles of the lord king were then committed to true English persons, for formerly they were nearly all in the hands of aliens. And afterwards when the aforementioned articles had been set forth, the twenty-four sworn men discussed the king's poverty, because if he or his kingdom were to be attacked by some neighbouring prince, he and the kingdom would be in great danger and perhaps the whole realm would be overwhelmed. Therefore it was provided that all the lands and all the tenements and castles alienated from the crown by him should be

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¹ A list of twenty-nine grievances, produced by the magnates. See Select Charters, pp. 375-8.

restored to him. This article his Poitevin brothers and some of their English supporters, namely Henry son of the king of Germany, and John de Warenne, gainsaid, and all, except the king of Germany's son, withdrew towards Winchester without asking leave. But he, when the barons demanded his oath that he would stand by their provisions, answered that he had land only at his father's will, and so he did not wish to do so without consulting him, and he ought not to take any oath, as he was not their equal. Then he was given time in which to consult his father, namely forty days. . .

Afterwards the lord Edward was with the greatest difficulty induced to subject himself to the baronial settlement and provisions. They also committed to him four certain councillors, namely John de Balliol, John de Gray, Stephen Longsword and Roger of Mold. They are going to make provision shortly as regards the state of his household and that of the lord king. Frequently the lord king asked them that none but Englishmen should remain with him, and so it will be. Great and difficult are the matters for which the barons have to provide, so they cannot quickly or easily despatch them and bring them to a conclusion. Also they and the king are shortly going to make in London more arrangements concerning aliens, Romans, merchants of Cahors, and others. Also the barons propose shortly to attempt the deposition and deprivation of the bishop-elect of Winchester, and already they have entered into agreement with the monks of St. Swithun. The barons proceed fiercely in their actions; may they bring them to a good conclusion!

Also there were chosen in the same parliament at Oxford twenty-four, namely twelve on the part of the lord king, and the same number on the part of the community to whose ordinances and provisions the lord king and lord Edward his son subjected themselves, as is noted above,

as regards the correction and reform of the state of themselves and of the whole realm of England.

7.

[The Provisions of Oxford. Annals of Burton, p. 446 et seqq. Select Charters, p. 378 et seqq. (French).]

It is provided that from each county there shall be chosen four discreet and lawful knights who, on each day when the county court is held, shall assemble to hear all complaints concerning any transgressions and injuries done to any persons by sheriffs, bailiffs or any others, and to make the attachments which belong to the said complaints until the arrival in those parts of the chief justice; provided that they take sufficient sureties from the plaintiff for prosecuting, and from the defendant for coming and obeying the law before the aforesaid justice at his first coming. And the aforesaid four knights shall cause to be enrolled all the said complaints with their attachments arranged in order, namely, each hundred separately and by itself, so that the aforesaid justice at his first coming can hear and determine the said complaints from each hundred singly. And they shall cause the sheriffs to be informed that they are to summon before the said justice at his next coming at an appointed time and place all hundredmen and their bailiffs; so that each bailiff of a hundred may cause all the plaintiffs and defendants from his bailiwick to come in order, according as the aforesaid justice has appointed for the pleading of the said hundred, and [may also produce] so many and such persons, both knights and other free and lawful men of his bailiwick, as may best conclusively prove the truth, provided that all shall not be vexed at one and the same time, but as many shall come as can be pleaded and determined on one day. Also it is provided that no knight of the said counties, by reason of an exemption from being placed on juries and assizes by

the king's charter, shall be exempted or quit as regards that provision so made for the common profit of the whole realm.

Those chosen on behalf of the king.

The bishop of London, the elect of Winchester, Henry son of the king of Germany, John earl of Warenne, Guy of Lusignan, William of Valence, John earl of Warwick, John Mansel, brother John of Darlington, the abbot of Westminster, Henry of Wengham.

Those chosen on behalf of the earls and barons.

The bishop of Worcester, Simon earl of Leicester, Richard earl of Gloucester, Humphrey earl of Hereford, Roger Marshal, Roger Mortimer, John Fitz-Geoffrey, Hugh le Bigod, Richard de Gray, William Bardulf, Peter de Montfort, Hugh Despenser.

And if it happen that any of these cannot through necessity be present, the rest shall choose whom they will, namely another necessary in the place of the absentee to carry out that business.

This the commonalty of England swore at Oxford.

We, so and so, make known to all men, that we have sworn upon the holy Gospels, and are bound together by such oath, and promise in good faith, that each one of us and all of us together will mutually aid each other, we and our men against all people, doing right and taking nothing that we cannot take without doing wrong, saving our faith to the king and the crown. And we promise on the same oath that none of us will henceforth take land or moveables by which this oath can be disturbed or in anyways impaired. And if anyone acts contrary to this, we will hold him as a mortal enemy.

This is the oath for the twenty-four.

Each swore on the holy Gospels, that he to the honour of God, and on his fealty to the king, and to the profit of the kingdom will ordain and treat with the aforesaid sworn persons as to the reformation and amendment of the state of the realm. And that he will not for gift, or for promise, for love, or for hate, or for fear of any one, or for gain, or for loss, fail to act loyally according to the tenour of the letter which the king and his son have together given concerning this matter.

This the chief justice of England swore.

He swears that he will well and loyally according to his power do that which belongs to the justiciar, to do right to all men, to the profit of the king and kingdom, according to the provision made and to be made by the twenty-four, and by the counsel of the king and the great men of the land who shall swear to aid and support him in these matters.

This the chancellor of England swore.

That he will seal no writ, except a writ of course, without the commandment of the king and of his council who shall be present. Nor shall he seal a gift of a great wardship, or of a great [MS. imperfect here] nor of escheats, without the consent of the great council or of the majority of it. And that he will seal nothing which may be contrary to the ordinance made and which shall be made by the twenty-four, or by the majority of them. And that he will take no fee otherwise than what is given to the others. And he shall be given a companion in the form which the council shall provide.

This is the oath which the keepers of the king's castles took.

That they will keep the castles of the king loyally and in good faith for the use of the king and of his heirs; and that they will give them up to the king or to his heirs, and to none other, and by his council and in no other manner, to wit, by important men of the land elected as his council, or by the majority of such. And this form of writ lasts for twelve years. And from thenceforward they shall not be prevented by this settlement and oath from freely surrendering the castles to the king and his heirs.

These are those who are sworn of the king's council.

The archbishop of Canterbury, the bishop of Worcester, the earl of Leicester, the earl of Gloucester, the earl Marshal, Peter of Savoy, the earl of Albemarle, the earl of Warwick, the earl of Hereford, John Mansel, John Fitz-Geoffrey, Peter de Montfort, Richard de Gray, Roger Mortimer, James of Audley.

The twelve on the king's side have elected out of the twelve on behalf of the commonalty earl Roger the marshal, and Hugh le Bigod.

And the party of the commonalty have elected out of the twelve who are on the king's side the earl of Warwick and John Mansel.

And these four have power to elect the council of the king, and when they have elected them they shall present them to the twenty-four, and these whatever the majority of those persons agree to shall hold good.

These are the twelve who are elected by the barons to treat in three parliaments a year with the king's council on behalf of all the commonalty of the land concerning common needs.

The bishop of London, the earl of Winchester, the earl of Hereford, Philip Basset, John de Balliol, John of Verdun, John de Gray, Roger de Sumery, Roger of Mold, Hugh Despenser, Thomas de Gresley, Giles of Argenton.

These are the twenty-four who are appointed by the commonalty to treat concerning an aid to the king.

The bishop of Worcester, the bishop of London, the bishop of Salisbury; the earl of Leicester, the earl of Gloucester, the earl Marshal, Peter of Savoy, the earl of Hereford, the earl of Albemarle, the earl of Winchester, the earl of Oxford, John Fitz-Geoffrey, John de Gray, John de Balliol, Roger Mortimer, Roger of Mold, Roger de Sumery, Peter de Montfort, Thomas de Gresley, Fulk of Kerdiston, Giles of Argenton, John Kyriel, Philip Basset, Giles of Erdinton.

And if any of these cannot or will not serve, those who shall be there have power to elect another in his place.

Of the state of holy Church.

Be it remembered that the state of the holy Church shall be amended by the twenty-four elected to reform the state of the realm of England, when they shall see place and time, according to the power which they have therein by the letter of the king of England.

Of the chief justice.

Moreover, that a justice be appointed, one or two, and what power he shall have, and that he shall not be [appointed] for more than one year. So that at the end of the year he shall answer concerning his time of office before the king and his council and before him who shall follow him.

Of the treasurer and of the Exchequer.

The like of the treasurer. That he too give account at the end of the year. And other good persons are to be placed at the Exchequer according to the provision of the aforesaid twenty-four. And thither let all the issues of the land come, and nowhere else. And whatever shall be seen to require amendment, let it be amended.

. Of the chancellor.

The like of the chancellor. That he at the end of the year answer concerning his time of office. And that he seal nothing out of course by the sole will of the king, but do it by the council which shall be around the king.

Of the power of the justice and of the bailiffs.

The chief justice has power to amend wrongs done by all the other justices, and bailiffs, and earls and barons, and all other people, according to the law and justice of the land. And writs shall be pleaded according to the law of the land, and in suitable places. And that the justice take nothing unless it be a present of bread and wine, and such things, to wit, meat and drink, such as it has been the custom to carry to the tables of the chief men on the day. And let there be the same understanding with regard to all the king's councillors and all his bailiffs. And let no bailiff, by reason of plea or of his office, take any fee by his own hand, or through anyone else in any way. And if he is convicted, let him be punished, and the giver likewise. And it is fitting that the king give to his justiciar and his people who serve him, so that they have no need to take anything from anybody else.

Of the sheriffs.

Let there be provided as sheriffs loyal and substantial men, who are landholders; so that in each county there be a vavasour of the same county as sheriff, who may treat the people of the county well, loyally, and rightfully. And that he take no fee, and that he be sheriff for no more than a year together. And that in the year he render his accounts at the exchequer and answer for his time. And that the king grant unto him out of his own, according to his contribution, so that he can keep the county rightfully.

And that he take no fee, neither he nor his bailiffs. And if they be convicted, let them be punished.

Be it remembered that such amendment must be made regarding the Jewry, and the wardens of the Jewry, that the oath as to the same may be kept.

Of the escheators.

Let good escheators be appointed. And that they take nothing of the goods of deceased persons, whose lands might be in the king's hand. But that the escheators have free administration of the goods until they shall have done the king's will, if they owe him debts. And this, according to the form of the charter of liberty. And that inquiry be made into the wrongs done which the escheators have done in the past, and amendment be made of such and such. Nor let tallage or anything else be taken, excepting such as ought to be according to the charter of liberty.

Let the charter of liberty be firmly kept.

Of the exchange of London.

Be it remembered to amend the exchange of London, and the city of London, and all the other cities of the king which have become disgraced, destroyed by tallages and other oppressions.

Of the household of the king and queen.

Be it remembered to amend the household of the king and queen.

Of parliaments, how many shall be held a year, and in what manner.

Be it remembered that the twenty-four have ordained that there be three parliaments a year, the first at the octave [6 Oct.] of Saint Michael, the second on the morrow [3 Feb.] of Candlemas, the third the first day of June, to wit, three weeks before Saint John's day. To these three parliaments the elected councillors of the king shall come, even if they are not summoned, to view the state of the realm, and to treat of the common needs of the kingdom, and of the king in like manner. And other times in like manner when there is need, by the king's command.

Be it remembered that the commonalty elect twelve important men, who shall come to the parliaments and at other times when necessary, when the king or his council shall send for them to treat of the needs of the king and of the kingdom. And that the commonalty shall hold as established that which these twelve shall do. And this shall be done in order to spare expense for the commonalty.

There shall be fifteen named by those four persons, to wit, the earl Marshal, the earl of Warwick, Hugh le Bigod, and John Mansel, who have been elected by the twenty-four to name the aforesaid fifteen, who shall be the king's council. And they shall be confirmed by the aforesaid twenty-four, or by the major part of them. And they shall have power to counsel the king in good faith concerning the government of the realm and all things which appertain to the king or to the kingdom; and to amend and redress all things which they shall see require to be redressed and amended. And over the chief justice and over all other people. And if they cannot all be present, that which the majority shall do shall be firm and established.

[Follow the names of the king's chief castles and their wardens.]

8.

[After the battle of Lewes the administration passes into the hands of Montfort, and a parliament assembles and draws up the following form of peace and scheme of government. 1264. Select Charters, pp. 400-3.]

This is the form of peace approved by our lord the king and the lord Edward his son, the prelates and magnates and all the commonalty of the realm of England in common and in harmony; namely, that a certain ordinance made in the parliament held at London, about the feast of the nativity of the blessed John the Baptist last past [24 June], to preserve the peace of the realm until the peace discussed between the said king and barons at Lewes in the form of a certain Mise, should be carried out, to last all the days of the said king, and also for the time of the lord Edward after he shall have become king, up to a date to be settled hereafter, shall remain firm, stable and unbroken. The said ordinance is as follows:—

Form of rule of the lord king and kingdom.

For the reform of the state of the realm of England, let there be chosen and nominated, three discreet and faithful persons of the realm, who may have authority and power from the lord king to elect or nominate, in place of the lord king, nine councillors. Let three at least, alternately or in turn, be always present in the court.

And the king, by the advice of the same nine, shall ordain and dispose of the custody of castles, and all other business of the realm.

Also let the king appoint by the advice of the said nine, a justiciar, a chancellor, a treasurer, and other officials greater and less, for matters concerning the rule of the court and kingdom.

Now the first three electors or nominators shall swear, that according to their conscience, they will elect or nominate councillors, whom they believe to be useful and faithful, to the honour of God and the Church, to the king and kingdom.

Also the councillors and all officials, greater and less, shall swear at their creation that they will faithfully execute their offices, to the best of their ability, to the honour of God and the Church and to the utility of the

king and kingdom, without any gift except the food and drink which are commonly presented at table.

If the aforesaid councillors, or some, or any one of them, shall be guilty of malversation in administration committed to them, or ought to be changed for any other reason, the king, by the advice of the first three electors or nominators, shall remove those who should, in his opinion, be removed, and substitute and supply in their stead, by the same advice, other faithful and suitable persons. If the officials, greater or less, are guilty of malversation in other offices, the lord king shall remove them by the advice of the aforesaid nine, and substitute others in their place without delay by the advice of the aforesaid.

If the first three electors or nominators are disagreed as to the election or nomination of councillors, or perchance the councillors in the creation of officials or in directing or dealing with other business of the king or kingdom, whatever is done or ordered in common by two-thirds shall be firmly observed; provided that of this two-thirds one shall be a prelate of the Church, in matters touching the Church. And if it befalls that two-thirds of the said nine are not agreed in any matter, the disagreement shall be submitted to the settlement of the first three electors or nominators, or the majority of them.

And if it seems to the commonalty of prelates and barons to be fitting that some persons or one person shall be substituted or supplied in place of some or any of the first three nominators, the king shall substitute others, or one other, by the advice of the commonalty of prelates and barons.

The king shall do all the aforesaid things by the advice of the said nine in the above form, or they shall do it in his place and by his authority.

The present ordinance shall last till the Mise drawn up at Lewes, and afterwards sealed by both parties, shall be consummated in agreement, or some other provision which both parties have approved in common.

This ordinance was made at London by the consent, will and order of the king, and also of the prelates, barons and commonalty, then and there present. In witness of which Robert bishop of Lincoln, Hugh bishop of Ely, Roger earl of Norfolk and marshal of England, Robert de Vere earl of Oxford, Humphrey Bohun, William de Montchensy, and the mayor of London, have put their seals to this document. Done in parliament at London in the month of June, 1264. Also it was ordained that the state of the English Church should be reformed.

Also it was ordained that the aforesaid three electors and councillors, of whom mention is made in the said ordinance of London, and keepers of castles, and other bailiffs of the king should always be natives. Yet aliens should come, stay and return in peace, both laymen wishing to reside in their lands, and clerks in their benefices. Merchants also and all others shall come freely and remain in peace to do their business, so long as they come peaceably without arms and not in suspicious numbers, and that no one of them is promoted to any office or bailiwick in the realm or in the household of the king.

The charters of liberties and of the forest lately granted to his native subjects by the king, and the statutes concerning redress of grievances, the sheriffs' tourns, suits of court, and other matters, which the king last year caused to be proclaimed in every county by his letters patent, together with the praiseworthy and long approved customs of the kingdom, shall be observed for ever, and provision shall be made for their being observed better and more strictly.

Also it is provided that the king and the lord Edward shall remit all injury and rancour against the barons and

those who took their part, so that they will not aggrieve anyone of them because of deeds done in the late tumult, nor permit them to be aggrieved by their followers. And they shall cause all bailiffs when assuming office to swear that they will aggrieve no one for the said reason, but will do justice equally to all.

And let good security be provided so that all these things may be firmly observed.

B. REVENUE.

1.

[An example of taxation on moveables. The Fifteenth of 1225.

Select Charters, pp. 351-3.]

The king to William Basset, Ralph of Crumbwell, William of Vernun, Henry of Derlegh, canon of Southwell, and Robert of Lee, clerk, greeting. We have appointed you as our justices to assess and collect for our use in the counties of Nottingham and Derby the fifteenth of all moveables, in this form. Our sheriff of Nottingham and Derby shall cause to come before you all the knights of his counties on the Sunday next after mid-Lent at Nottingham, on which day you shall cause to be chosen four lawful knights from each hundred or wapentake or more or fewer according to the size of the hundreds or wapentakes, to go through each hundred or wapentake to assess and collect the fifteenth of all the said moveables And from this fifteenth there shall be excepted as regards archbishops, bishops, abbots, priors and other men of religion, earls, barons, knights and free men who are not merchants, their books of all kinds, the ornaments of churches and chapels, riding-horses, cart-horses, sumpterhorses and all kinds of weapons; jewels, vessels, utensils, the contents of larders and cellars and hay; and corn bought for the provisioning of castles is excepted. Also from this fifteenth in the case of merchants who shall

give a fifteenth of all merchandise and their moveables, there shall be excepted the weapons to which they are sworn, their riding horses, the utensils of their houses, the contents of cellars and larders for their food. In the case of villeins there shall be excepted the weapons to which they are sworn, their utensils, their meat, fish and drink which are not for sale, their hay and provender which are not for sale, are excepted. Now the knights shall not go to the hundreds or wapentakes in which they are resident, but to the other and neighbouring hundreds or wapentakes. Except earls, barons and knights, every man shall take an oath as to the number, quantity and value of his own moveables and likewise of the moveables of his two nearest neighbours. And if by chance there shall have arisen dissension on this head between the owner of the moveables and his neighbours who have sworn with respect to the same moveables, the knights themselves by the oath of twelve good and lawful neighbouring men, or of as many as shall seem sufficient for inquiring the truth, shall inquire the truth and shall take the fifteenth according to that truth. Serjeants and reeves of the lands of earls, barons and knights, or reeves alone if there shall not be serjeants there, shall swear the same oath and in the same way concerning the moveables of their lords in each township. Half of this fifteenth shall be paid at the feast of the Holy Trinity in the ninth year, and the other half at Michaelmas next following. This fifteenth the knights shall receive at the hands of four lawful men and the reeves of each township, by tallies made therein between them, and shall bring it, when received, to you, and you shall place it in a safe place, either in a cathedral church, or in an abbey, or in a priory of the same county, under the seals of yourselves and of the knights, until it is arranged whither it should be sent. . . .

2.

[A Great Council held at Westminster in January, 1254, during the king's absence in Gascony refuses an aid. Letter from the Regents, Queen Eleanor and Richard earl of Cornwall, to Henry III. 14 February, 1254. Royal Letters, ii., no. ccccxcix. (Ancient Correspondence, iii., 81).]

May your lordship know that the earl marshal and John de Balliol, who had been detained at sea by a contrary wind for twelve days, came to us in England on Wednesday [4 Feb.] following the Purification of the Blessed Mary. And when we had conferred with the prelates and magnates of your realm of England before the coming of the aforesaid earl and John on the question of granting an aid for you, namely on the quindene [27 Jan.] of St. Hilary last past, and after the arrival of the said earl and John [defect in MS. here], the archbishops and bishops replied that if the king of Castile comes against you into Gascony, each of them will help you from his own goods, so that you shall owe them perpetual thanks, but as regards their clergy giving an aid, they could do nothing without the assent of the said clergy, nor do they believe that their clergy could be persuaded to contribute anything for you unless the tenth on clerical property granted you for the Crusade were entirely given up through your letters patent for the first year, now beginning, and the collection of the same tenth for the two following years for the said Crusade be put off until two years before your passage to the Holy Land. They will do their best to induce the clergy subject to them to help you with the tenth of their benefices according to that form, if the said king of Castile shall come against you into Gascony, and will discuss the matter with them. But when the bearer of these present letters left, no subsidy had as yet been granted by the said clergy.

Meanwhile, as we have elsewhere informed you, if the king of Castile should come against you into Gascony, all the earls and barons of your kingdom able to cross the sea will come to you in Gascony with all their forces, but from the other laity who will not cross the sea to you we do not think that any aid for your operations will be obtained, unless you write to those taking your place in England that they are to cause your great charters of liberties to be firmly kept, and that this is to be firmly commanded by your letters to all the sheriffs of your realm, and publicly proclaimed in all the counties of your realm; for by this means they will be more strongly animated to grant you aid willingly, since many complain that the said charters are not kept by the sheriffs and your other bailiffs as they ought to be kept.

Know, therefore, your lordship, that we are going to confer with the said clergy and laity at Westminster on the quindene [26 April] of Easter next ensuing with regard to the said aid, and we entreat your highness to write back with all speed what is your pleasure in the above matter. For you will find us devoted and ready to procure the said aid for your needs, so far as we are able, and to do and carry out all other things tending to your advantage and the increase of your honour.

3.

[Writ of summons for two knights of the shire to grant an aid. 1254.

Select Charters, pp. 365-6.]

The king to the sheriff of Bedfordshire and Buckinghamshire, greeting.

Since the earls and barons and other magnates of our realm have firmly promised us that they will be at London three weeks after next Easter day, prepared and well equipped with horses and arms to go without delay to Portsmouth, in order to cross to us in Gascony against the king of Castile, who is about to invade our land of Gascony in force next summer, we bid you also to constrain for the same purpose all those of your bailiwick who hold twenty librates of land from us in chief, or from others who are under age and in our wardship.

We bid you to cause to come before our council at Westminster within a fortnight of next Easter, besides all the aforesaid persons, four lawful and discreet knights from the said counties whom the counties shall have chosen for this purpose, to represent all and single of the said counties, namely two from one county and two from the other, to provide, together with the knights of the other counties whom we have summoned for the same day, what aid they will give us in our great necessity. You yourself shall diligently explain to these knights and others of the said counties our necessity and how urgent our business is, and shall effectually induce them to make us a sufficient aid for the present purpose, so that the aforesaid four knights may be able to answer precisely our said council at the appointed date in regard to the said aid on behalf of each of the aforesaid counties.

Also we firmly command you to have at the Exchequer within a fortnight of Easter all debts which are in arrear to us in your bailiwick, and which ought to be paid into our Exchequer at or before this Easter. Know that unless you have the said debts there at that time, we will not only arrest your body, but we will cause these debts to be levied on your lands and tenements, to your no small damage.

Witness Eleanor the queen and Richard earl of Cornwall at Windsor, 11 February.

C. PARLIAMENT.

1.

[In answer to the king's sweeping dismissal of baronial officials in the summer of 1261, the barons summoned three knights from every shire to meet them at St. Albans. The king issued a counter summons. Henry III. to the sheriff of Norfolk and Suffolk. September, 1261. Select Charters, pp. 394-5.]

Since the bishop of Worcester, the earls of Gloucester and Leicester and certain other nobles of our realm summoned three knights from each of our shires to come to them at St. Albans on the feast of St. Matthew the Apostle [21 September] to confer with them concerning the affairs of our realm, and we and our said nobles are to meet on the same day at Windsor to treat concerning peace between us and them, we command you that you on our part firmly enjoin upon the knights of your bailiwick who were summoned to their presence on the said day to lay aside every hindrance and come to us at Windsor on the said day. Moreover, you shall strictly forbid them to go elsewhere than to us on the said day, and by all means make them come to us on that day, to converse with us on the abovementioned affairs, that they, through the execution of the work, may see and understand that we intend to set on foot nothing save what we know will conduce to the honour and common profit of our realm.

2.

[The Government of Simon de Montfort. Writ for the conservation of the peace and summons to Parliament. June, 1264. *Ibid.*, pp. 399 and 400.]

The king to Adam of Newmarch, greeting. Since now, the tumult which lately took place in our realm being calmed, peace between us and our barons may by the help of Divine grace be ordained and established, and with

a view to having that peace throughout our realm observed inviolably, it has been provided by the counsel and consent of our barons that in each of our counties throughout England keepers of our peace shall be appointed for the protection and security of those parts until some other arrangement with regard to the state of our realm may be made by us and our barons. . . .

And since at our parliament now impending it will be necessary for us to treat with our prelates, magnates, and other our lieges concerning the affairs of ourselves and our realm, we bid you to send to us on behalf of the whole county, four of the more lawful and discreet knights of the said county, chosen for this purpose by the consent of the said county, so that they may be with us at London by the octave [22 June] of the forthcoming feast of the Holy Trinity at latest, to treat with us concerning the aforesaid matters; and do you bear yourself so faithfully and diligently in the execution of all these commands, that we may not be forced by your neglect to take serious measures against you and yours. Witness the king at St. Paul's at London on the fourth day of June.

3.

[Summons to the Parliament of 1265. Select Charters, pp. 403-4.]

Henry, by God's grace king of England, lord of Ireland and duke of Aquitaine, to the venerable father in Christ, by the same grace bishop of Durham, greeting. Since after the serious dangers of the disturbances which recently took place in our realm, our very dear son Edward, our eldest born, was handed over as a hostage to secure and establish peace in our realm, and now blessed be God, the said tumult is calmed; and to provide suitably for the deliverance of the same, and to establish and entirely complete full security for tranquillity and peace, to the honour of God and the profit of our whole realm, as well

as with regard to certain other affairs of our kingdom with which we do not wish to deal without your advice and that of our other prelates and magnates, it is necessary that we should confer with the same; we bid you, asking you by the faith and love by which you are bound to us, that, setting aside every hindrance and suspending other business, you come to us at London on the octave [20 Jan.] of St. Hilary next to come, to confer and to give your advice on the aforesaid matters with us and with our aforesaid prelates and magnates whom we have caused to be summoned thither. And in no wise omit this, as you love us and our honour and your own and the common tranquillity of the realm. Witness the king at Worcester, the fourteenth day of December.

Also it was commanded to every sheriff throughout England that he should cause two knights from the more lawful, prudent and discreet of each county to come to the king at London on the aforesaid octave, in the form aforesaid.

Also in the form aforesaid a writ is sent to the citizens of York, of Lincoln and of other boroughs of England, that they may send in the form aforesaid two of the more discreet, lawful and prudent citizens and burgesses.

Also in the same form command was given to the barons and prudent men of the Cinque Ports.

D. JUSTICE AND LOCAL ADMINISTRATION.

1.

[Judicial circuits, which had ceased during the civil war, are resumed in 1219. An example of the difficulties encountered by itinerant justices. Royal Letters, i., no. xvi. (Ancient Correspondence, i., 54).]

To their dearest friends, Peter by the grace of God bishop of Winchester, William Marshal earl of Pembroke, rector of the lord king and his kingdom, and Hubert de Burgh justiciar of England, Hugh by divine permission bishop of Lincoln, John Marshal, William d'Aubigny, Adam of Newmarch, Walter Mauclerc and William de Cressy, the lord king's justices itinerant in the county of Lincoln, send greetings and due devotion with loyalty and love.

We have received the king's letters on behalf of William de Fors, earl of Albemarle, concerning a plea of novel disseisin brought against him by Gilbert of Ghent and held before us at the command of the same lord king, a copy of which we send you herewith enclosed. Whence we should marvel, were that permissible, at the commands of so great lords, by which we are, as it were, publicly accused of having proceeded indiscreetly in this matter. We know indeed that we are but men of moderate discretion, lacking the great mental faculties adequate to the undertaking of so great a burden and befitting the honour of royal majesty, nevertheless because you chose us, we did not choose ourselves, and because you appointed us to this circuit for the peace of the lord king and kingdom, owing justice to all and singular, to poor as well as to rich, without exception of persons, it would have seemed fitting and honourable had it been in consonance with your wishes not to believe evil of us so quickly. . . . For we invoke that witness, who is the witness of our conscience, the examiner of hearts and the knower of secrets, that we when sitting in tribunal did nothing displeasing to God or men of good will, to the best of our knowledge and belief. Yet some who see and hear these things wonder, for they have not been accustomed to see the like things, which are hard to unlearn, and are not so easily forgotten by minds accustomed to them. Therefore it would not befit the honour of the lord king or of us, saving your peace, that their will and practice, or rather malpractice and fault, if so it may be called, should be turned against us,

so that we who ought to be judges, become contemptible in the sight of those to whom we have been sent. We do not indeed say these things in our own interest, but for the honour of the lord king and of you who sent us. For we assert most surely and boldly that we did nothing in the aforesaid matter that was illegal, as we believe, or contrary to the approved custom of the realm, as you will be able to see, if it please you, from the record of the said assize which we send to you as it was faithfully written down through the common consent and testimony of the whole county. After the receipt of the above-mentioned letters of the lord king, the said Gilbert of Ghent came to us in the presence of the whole county, which cried out in approval of him and with him, nay rather for themselves and for the liberties of the realm granted and sworn as they say. And they asked urgently and with all loyalty that the possession which he had obtained by judgment of the lord king's court, according to the due custom of the realm, should not be changed by us without judgment on account of some command obtained by some false suggestion, until you had been further informed as to the development of events and the truth of the matter. Wherefore we have ordained that the bearer of these letters, G. Cusin, our clerk, should be sent to you with all possible speed, so that by him and by the lord king's letters, you may, if it please you, signify to us what you think should be signified with regard to these and other matters. Farewell.

2.

[Consequent upon the prohibition of the use of ordeals issued by the Fourth Lateran Council, fresh instructions are given to the itinerant justices. Pat. Rolls, 1216-1225, p. 186.]

The king to his beloved and faithful Philip de Ullecot and his colleagues, justices itinerant in the counties of Cumberland and Westmorland and Lancaster, Greeting. Because it was doubtful and undecided before the beginning of your eyre by what judgment those accused of robbery, murder, arson, and the like should be tried, as the judgment by fire and water has been forbidden by the Roman Church, it has been provided by our council, for the present, that on this eyre of yours persons accused of such excesses shall be dealt with as follows:—

Those who are accused of the aforementioned major crimes, and in whose case, even if they abjured our realm, there is fear that they might afterwards commit crimes, are to be kept in our prison and safely guarded, provided that they shall not incur peril of life or limb through the imprisonment.

Those who have been accused of crimes of the middle sort, and for whom judgment by fire or water would have been fitting, had it not been forbidden, and against whom, should they adjure our realm, no further suspicion of wrong-doing would arise, shall abjure our realm.

Those who have been accused of lighter crimes but against whom there shall be no suspicion of evil, may find safe and sure pledges to be loyal and to keep the peace, and may thus be dismissed in our land. Since, therefore, nothing more exact has been provided in this matter by our council at present, we leave to your discretion the observance of the aforesaid order on your eyre, so that you, who know more about the persons, the form of the crime and the truth of the matter, may proceed in this ordinance according to your own discretion and conscience.

3.

[Writ for assembling the county court before the itinerant justices, 1231. Select Charters, pp. 354-5.]

The king to the sheriff of Yorkshire, greeting. Summon by good summoners all archbishops, bishops, abbots, priors,

earls, barons, knights and all free tenants from the whole of your bailiwick, and from each township four lawful men and the reeve, and from each borough twelve lawful burgesses through the whole of your bailiwick, and all others who used and ought to come before the itinerant justices, to be at York on the octave [25 May] of the Holy Trinity in the fifteenth year of our reign, before our beloved and faithful S. de Segrave, R. FitzRobert, B. FitzAlan, W. de Lisle, R. de Lexinton, master R. de Schardelawe, and W. of London, whom we have appointed our justices, to hear and perform our bidding. Also cause to come there before the same all pleas of the crown which have not been pleaded and which arose after our justice had last held an eyre in those parts, all pleas and all attachments belonging to those pleas, and all assizes and all pleas put before the justices for the first assize with the writs of the assizes and pleas; so that those assizes and pleas shall not remain over through the fault of yourself or your summons. Also cause it to be proclaimed and known through all your bailiwick that all assizes and all pleas which were appointed a term for hearing and not concluded before our justices at Westminster, or before our justices who last held an eyre in your county for all pleas, or before justices sent thither to take assizes of novel disseisin and to deliver the gaols, so that they may then be before our said justices at York in the same state in which they remained by our command or by the command of our said justices itinerant or through our justices of the Bench. Also summon all who have been sheriffs after the last eyre of the said justices in those parts, to be there then before our said justices with the writs of the assizes and pleas which they received in their time, to reply regarding their time, as they ought to reply before justices itinerant. And you are to have there the summoners and this writ. Witness H. de Burgh, etc., at Westminster, 20 April.

4.

[County court case. Lincolnshire, 1226. Bracton's Note Book, iii., case 1730.]

The sheriff was commanded to come before the lord king with four knights of his county, discreet and lawful and loyal to the lord king, and with four of the more discreet of his serjeants, to certify the lord king how Theobald Auteyn and Hugh de Huneby bore themselves, and what supporters of the county they had for this, for which the said Theobald and Hugh were summoned to show by what warrant they hindered the sheriff and the other bailiffs of the lord king of the county of Lincoln in holding county courts, trithing 1 courts and wapentakes as they ought and are wont to be held, and why they do not permit justice to be done as regards injuries committed, etc. And Jordan de Esseby and the like, etc., four knights of the county, come, and the sheriff comes, and they say that they were present in the county court of Lincoln, when the sheriff held pleas from early morn till evening, and there remained over many cases which they could not determine on that day for lack of time, and when the complainants and those against whom plaints were being brought, asked the sheriff what they were to do about their cases, the sheriff replied that they were to come early the next morning and he would do them justice. And he told all the seneschals, knights and others of the county to come early in the morning and hear the pleas and make judgments upon them. when they came in the morning the sheriff took his seat and examined the pleas and plaintiffs and judgments, etc., and commanded the knights and seneschals who were outside the house to enter and hear the cases and make judgments thereon. And when they heard this those who were in the house went out, and those who were outside

went away, saying that they ought to hold the county court only for one day. Wherefore, because the sheriff could not alone hear the cases nor make the judgments, he told the complainants and the accused to come to the wapentake and there he would do them justice, and so they departed.

Afterwards when the sheriff journeyed through the trithings, he came at length through the ten wapentakes of Ancaster, where he had appointed a day for all complainants in those wapentakes. And many assembled there, both knights and others, among whom came the said Theobald and Hugh, and when the plaints were heard and answered the sheriff told the knights to make judgments thereon. And the said Theobald arose and said that he ought not to make judgments there nor anywhere else except in the county court, because he came from the court of the lord king where he spoke with the lord archbishop and the earl of Chester and other magnates, and he was certain that within three weeks they would have the lord king's writ that from henceforth they should not be vexed by exactions and injuries of this sort, and he added that he would like to hear who would make judgments in the wapentake. When this was heard, the sheriff replied to him that he would not on account of this omit to do justice to the poor until he had other orders on the matter, and he told the knights and the others to make judgments. And they sought permission to speak thereon and went out. And as they talked it over, the said Theobald and Hugh came among them with advice, and told them that what the sheriff did was contrary to the liberty which they ought to have by the lord king's charter, and that those things pertained to the earl of Chester and the other magnates of the county, and they counselled them not to make any judgments thereon. By their advice they entered. Theobald was their spokesman, and said as before that they

would not make, nor ought they to make, any judgments there, and they said other and more shameful words to the sheriff. And first Hugh asked the sheriff to show them his warrant by which he ought to hold pleas in the wapentake. And the sheriff replied to him that he believed he had sufficient warrant for that, when he was the sheriff and bailiff of the lord king, and the lord king would warrant him well in this. And so the sheriff departed with the judgments not made.

Upon this arose Thomas, son of Simon, seneschal of John Marshal, and replied to the said Hugh that he was a fool to ask the sheriff by what warrant he held those pleas, because they knew well enough that he was the lord king's sheriff, but he himself ought to show his warrant by which the sheriff ought not to hold the pleas. And one judgment did that same Thomas make, and this reply was made to him: "You make your judgments, we will see your lord shortly and we will tell him how you bear yourself in that county court."

And the knights departed *sine die* because Theobald and Hugh are essoined and have such a day, etc.

On which day, etc., came Theobald and Hugh and denied every unjust hindrance, and that they had ever hindered the sheriff or bailiffs of the lord king in carrying out the lord king's business. But they wish to speak the truth. It is always customary for the county court of Lincoln to sit every forty days, and the lord king had granted to all the men of his kingdom their liberties and their ancient and wonted customs, and the custom was always so. Contrary to that custom, that sheriff took his seat in the county court sometimes within five weeks and sometimes at a shorter interval. Besides the county court is never accustomed to sit but for one day only. And because they had the said liberties through the lord king, it seemed to them that they could not and ought not to change the

state of the county without the consent of the lord king and the magnates of the realm. Concerning the wapentake of Ancaster, they say that of a truth they were there, and because the sheriff after the liberties had been granted them never held the wapentake more than twice a year, according to the charter of liberty, and then first he began to hold the wapentake against their liberty, it seemed to them that it was contrary to their liberty if they were to hold pleas at Ancaster or make judgments there, and so they postponed those pleas till the county court, so that justice might be done to all these.

Hugh and Theobald departed sine die by the command of the lord king until their summons, etc.

5.

[An example of breach of the peace. Gaol delivery taken before Hugh Bigod, justiciar, at Northampton, 1258. Assize Roll, no. 1187, m. 14 d.]

Richard de Gloston, accused of robbery, turned approver, and afterwards escaped to the church of St. Gregory of Northampton, and he abjured the realm in the presence of the coroner. Therefore he was granted [access to] the port of Dover, and the said Richard was afterwards taken and says that he was taken unjustly and against the king's peace. For he says that when he was granted the said port he kept to the king's highways according to the law and custom of the realm of England, inclining neither to the right hand nor to the left, and when he was on the said road between Northampton and Newport Pagnell there came certain men whose names he does not know, sent by order of Hugh de Manneby sheriff of Northampton, and when he was thrown prostrate on the ground on that same street, clinging to the earth through fear and holding on either hand to the ruts of the cart wheels, they trampled on the whole of his back and shoulders and belaboured him

with bows and other divers weapons, so that because of the beating and trampling the flesh on his back and shoulders putrefied. Then indeed they dragged him half alive from that road and brought him to the prison at Northampton. Also he says that the said sheriff caused him to be afflicted and cruelly tortured in the said prison both by harsh imprisonment and by other means whereby he could have no hope of life. And because it is sufficiently considered that the said Richard is so near to death that he can scarcely or not at all escape, the said Hugh was asked whether he wished to acquit himself of the said deed, and he said that he would do it sufficiently by putting himself on the countryside or in some other way, as the court might determine. For he says that when the said Richard, after he had abjured the realm and the said port had been granted him as aforesaid, so wandered that certain of his serjeants whom he had sent to conduct him found him off the king's highway (regale chiminum), and according to the law of the land raised hue and cry and took him and brought him to the said prison; and he did no other transgression against him, nor was any other done through him. He places himself on the countryside. And questioned as to whether he instructed his said serjeants to take Richard if he were found off the king's highway, or what he had commanded them in the matter, he says that of a truth he sent them to conduct that man, and enjoined them to capture him in accordance with the law of the land if they found him off the king's highway. And he asks that the truth of the matter may be inquired into by the countryside.

Twelve jurors of the hundred of Wymersol, in which this happened, and four of the neighbouring vills say on their oath that the said Richard was taken on the king's highway between Northampton and Newport Pagnell, where he lay prostrate on the ground and clung to the earth with his teeth and on either hand held to the ruts of the cart

wheels, because of certain men, namely, William de Blankeny, constable of the said Hugh's castle at Northampton, David his groom, Richard son of Faber de Quenton and Roger of Kyselingbery, who also dragged the aforesaid from that road after they had beaten him with their bows and sticks, as the said Richard says, and they took him to a certain mill called "Rysmelne," and there they raised hue and cry against him as a thief, and they monstrously bound his hands behind his back, so that because of that binding and that beating the flesh on his arms and back entirely putrefied. When questioned as to whether the said Hugh consented to that deed or if he had commanded that to be done, they say precisely that it is so. Also they say that after the said Richard was brought to the lodging of the said sheriff, the said sheriff had him imprisoned in a certain cellar under his room in which he lay. And there he had him kept thus wretchedly that they in no way believe that the said Richard can recover. And because that transgression was thus openly and monstrously committed against the lord king's peace and the law and custom of the realm, it is considered that the said Hugh should be committed to safe keeping in gaol, until it be known whether or not the said Richard can recover. And the said Richard was sent to the hospital of St. John of Northampton there to be tended and kept. So that if in any way he can recover, the mayor and bailiffs of Northampton are enjoined as soon as he has recovered to conduct him on the said road to the place where he was dragged off the said road, and this through the view of good men of that neighbourhood, and then they may permit him to keep the said road in peace as far as the said port. And the said William of Blankeny and the others are to be taken.

Afterwards came Richard de Flemington, Guy de Gumbaud, Roger of Wauton, John le Moyne, Hugh de Messing, lord Richard de Wyke, and undertook to have them before

the lord king fifteen days after Michaelmas wheresoever, etc., and bail was granted them in the presence of the lord king through the lord king himself, etc. Afterwards fifteen days after Michaelmas R. elect of Lincoln came to Westminster and asked for the said Hugh as a clerk. And he was set free as though convicted of the said injury so that there might be done in regard to that in the court ecclesiastical as should lawfully be done, etc.

6.

[The proper method of holding hundred courts. 1234. Close Rolls, 1231-1234, p. 588.]

The king to the sheriff of Lincoln, etc. Because we have heard that you and your bailiffs and also the bailiffs of others who have hundreds in your county, do not understand how hundreds and wapentakes ought to be held in your county, after we have granted to all of our realm the liberties contained in our charters, which we then made while we were under age, we lately caused the same charter to be read in the presence of our lord of Canterbury and of the greater and more considerable of all the bishops. earls and barons of the whole of our realm, so that in their presence and through them there might be put forward those clauses contained in our charter of liberties, namely, that no sheriff nor bailiff may make his tourn through the hundreds more than twice a year, and only in the due and accustomed place, that is, once after Easter and again after Michaelmas, without oppression. So that everyone shall have his liberties which he had and was accustomed to have in the time of King Henry our grandfather, or which he afterward acquired. Then by many it was there said and testified that, in the time of King Henry our grandfather, both the hundred and wapentake courts as well as those of the magnates of England used to be held

every fifteen days. And though it was our great pleasure to provide for the common benefit of the whole realm and the security of the poor, yet because these two tourns did not fully suffice for the preservation of the peace of our kingdom and for the correction of the misdeeds of both rich and poor, which matters pertain to the hundred courts, by the common counsel of the said lord of Canterbury and of all the said bishops, earls and barons and of the others, it is provided that between the said two tourns, hundreds and wapentakes shall be held, as also the courts of the magnates, every three weeks, where formerly they used to be held every fifteen days. But a general summons such as is made to the said tourns, shall not be made to those hundred and wapentake courts, but to these shall come the plaintiffs and their adversaries and those who owe suit through whom pleas may be held and judgments made, unless at these hundreds and wapentakes there has to be made an inquisition for a plea of the crown, for the death of a man, treasure trove or anything of the sort, to inquire into which, let there come with the said suitors four of the nearest townships, that is, all those townships required for making those inquisitions.

Therefore we command you that the said hundreds, wapentakes and courts, both of us and of others, be henceforth held according to this injunction, every three weeks, except the said two tourns, which henceforth are to be held as they were formerly wont to be held.

7.

[Extracts from a Latin tract, "How to hold pleas and courts," ascribed to John of Oxford, a monk of the Priory of Nuffield in the last years of Henry III.'s reign, translated by Maitland, The Court Baron. (Selden Society), p. 68 et seqq.]

Thou shouldst understand that there is one manner of pleading in the court of our lord the king before the

justices of the bench, another before the justices in eyre, another in his other courts such as counties and hundreds, and another in the courts of earls, barons, knights and freeholders, bishops, abbots, priors and other men of religion who have freeholds [according to their various rights which are called franchises]. They therefore who plead or have to hold courts, whosoever they be, justices, stewards, bailiffs of various kinds, as for instance sheriffs, hundredors, and bailiffs of manors, should diligently observe the letter which gives them this power and makes them what they are, and should in no wise transgress the limits of their mandate or do otherwise than is contained in the letter [whereby they are appointed]. Also such an one should know the customs of that county, hundred court or manor, and the franchises pertaining to the premises, for laws and customs differ in divers places, and should have the articles of the franchise and the customs and the attachments in his hand that the pleading may be in due order.

Also he should have the rolls of courts and pleas previously holden, so that if any plea or plaint hath not been determined he may proceed to determine it according to right and justice.

Also he should know that according to the custom of the country, courts are holden sometimes at longer, sometimes at shorter intervals. Also that the court of the view of frankpledge should be holden but twice a year, and that all male laymen of the age of twelve years who have made payment to the mayor [or elder of the tithing] in the hundred or the franchise, should be in a frankpledge or, which is the same thing, in a tithing.

Also he should know that their names should be written on a roll and be divided into tithings and be read twice a year at the court of frankpledge, that it may be seen whether they make suit as they ought and may be recalled to their lord in case they be detained elsewhere.

[p. 71] Articles of the inquest. Whether all of the age of twelve years be in frankpledge, and who of that age is not in frankpledge-whether every chief pledge knoweth how many and who are in his tithing-whether all they who owe suit of court are present and who is absent. And whether the franchise be well kept and by whom it hath been impaired. Whether the assizes of bread and beer be kept, and who hath not kept the assize. Of hue levied and pursued. Of bloodshed. Of water courses diverted. Of walls or ditches newly made, and of ways newly made. Of receivers of strangers and harbourers of evil-doers, and of those who ought to watch by night according to the statute of the court. Of bridges and causeways broken, and of ways to be repaired. Of tallages and payments wrongfully exacted from those who journey. And afterwards of other plaints, pleas and cases that have arisen.

[Extracts from imaginary cases taken as examples.] [p. 73] Also it was inquired whether the assizes of bread and beer and other assizes of the court be faithfully observed or no. And it was witnessed that the last brew of W. Hunter was not according to the assize. Wherefore he is in mercy, 6d.; pledges N. and N. etc. Also the whole court, or hundred or county, complaineth of the assize of bread and beer being badly kept [since the market of corn hath improved]. And by judgment of the court or hundred it was commanded that for the future it should be proclaimed that in country vills 4 gallons be sold for a penny, and in the market town 3 gallons, and that 4 loaves be sold for a penny throughout the hundred.

Also inquiry was made of hue etc. And four townships namely etc. (or the chief pledges) present that hue was

raised on such a day, and they say that it fell out on Monday next after S. Andrew that M. wife of the hayward and E. wife of a neighbour were baking at an oven, and the said old crones took to their fists and each other's hair and raised the hue; and their husbands hearing this ran up and made a great rout. Therefore by award of the court the said women who made the rout and raised the hue are in mercy. Amercement respited. And it is ordered that M. and E. [the husbands] do make fine for mercy at the next court. And so on with the other cases as they arise.

[p. 75] Alice, widow of R. N. complaineth of E. Read her neighbour that on such a day his pigs entered her garden and rooted up her beans and cabbages so that she would not willingly have had that damage for 2s. nor that shame for 12d., and she demandeth that amends be made.

[p. 76] N. the lord's hayward complaineth of such an one that to the damage and shame of his lord he pastured the small meadow or pasture of his lord; if he denieth, unjustly he denieth, for he hath thereof witnesses, A. B. E. And it is considered he hath insufficiently denied, since he hath said nothing of the damage and shame of the lord and the violence done to the hayward, and he is in mercy (12d.) for he failed in his denial.

[p. 76] As to oaths. When one is received into frank-pledge he shall swear on the book with bent knee thus. Hear this, sir steward N. etc., that I, N., will not be a thief nor the fellow of a thief, nor will I conceal a theft or a thief, but will reveal it to those to whom it should be revealed, and I will bear faith to the lord Henry king of England, and more especially to my lord N., and will be obedient to the precepts of his bailiff. And having kissed

the book he shall give a penny, and shall be bidden to be obedient to his chief pledge.

[p. 78] Of the oath when homage is taken. With joined hands he shall offer himself, and with his hands under his lord's mantle he shall say thus—I become thy man of such a tenement to be holden of thee, to bear to thee faith of life and member and earthly worship against all men who live and can die, saving the faith of my lord Henry king of England and his heirs and of my other lords—if other lords he hath. And he shall kiss his lord etc.

8.

[Methods by which watch and ward were to be kept in the towns and every man to provide himself with weapons according to his rank. 1252. Select Charters, pp. 362-5.]

Henry by the grace of God king, etc., to the sheriff . . . greeting. Know that in order to secure that our peace may be firmly observed it has been provided by our council that watch is to be kept in every city, borough and all other towns of your county, from Ascension day to the feast of St. Michael, namely, in every city by six armed men at every gate, and in every borough by twelve men; and in each whole township by six men or four at least similarly furnished with arms, according to the number of inhabitants; and they shall watch continually throughout the whole night from sunset to sunrise, so that, if any stranger passes near them they shall arrest him until morning; and then if he is loyal, he shall be sent away, and if he is suspected, he shall be handed over to the sheriff, who is to receive him without any difficulty and delay and keep him safely; but if any such passing strangers do not allow themselves to be arrested, then the aforesaid watch shall raise the hue upon them on all sides, and pursue them with the whole township and neighbouring

townships, with cry and hue from township to township until they are taken, and then they shall be delivered to the sheriff as aforesaid, provided that no man shall be troubled by the sheriff or his bailiffs through this arrest or capture; and all cities, boroughs and townships are to be warned to keep all the said watches and pursuits diligently, so that we may not have to punish them heavily for failing to do so.

Also it is provided that all sheriffs together with two knights specially assigned for this purpose shall go round about their counties from hundred to hundred, and to cities and boroughs, and cause to appear before them in each hundred, city and borough, the citizens, burgesses, free-holders, villeins and others from the age of fifteen to the age of sixty, and shall cause them all to swear to keep arms according to the amount of his lands and chattels; namely for fifteen librates of land, a coat of mail, a cap of iron, a sword, a knife, and a horse; for ten librates of land, a hauberk, a cap of iron, a sword and a knife; for a hundred shillings' worth of land, a doublet, a cap of iron, a sword, a lance and a knife; for forty shillings' worth of land up to a hundred shillings' worth, a sword, a bow, arrows and a knife. Those who have less than forty shillings' worth of land are to be sworn to scythes, darts, knives and other small weapons. For chattels worth sixty marks, [they shall have] a coat of mail, a cap of iron, a sword, a knife and a horse; for chattels worth forty marks, a hauberk, a cap of iron, a sword and a knife; for chattels worth twenty marks, a doublet, a cap of iron, a sword and a knife; for chattels worth nine marks, a sword, a knife, a bow and arrows; for chattels worth forty shillings up to ten marks, scythes, darts and other small weapons. Also all who can shall have bows and arrows, outside the forest, but those in the forest, shall have bows and bolts.

In all cities and boroughs those sworn to keep arms

shall come before the mayors of the city, and the provosts and bailiffs of the boroughs where there are not mayors; but in all other townships there shall be appointed one constable or two according to the number of the inhabitants and the provision of the aforesaid; but in all hundreds there shall be appointed one chief constable, at whose command all those sworn to arms shall assemble from their hundreds and shall be intendant to him in doing what relates to the conservation of our peace. Also all sheriffs shall cause it to be proclaimed through the cities and boroughs and all markets of their bailiwicks that none are to assemble for tournaments or jousts, or for any other adventures, nor also shall any go about armed unless specially deputed for the keeping of our peace; and if any shall be found going about armed contrary to this our provision, they shall be arrested and delivered to the sheriff, and if they will not allow themselves to be arrested, then the constables of each hundred and township and others whoever they may be shall raise the hue upon them from all sides, and with the neighbouring townships shall pursue them from township to township until they are taken and delivered to the sheriff, as aforesaid. Now as often as it shall happen that hue is raised against any disturbers of our peace, robbers, and malefactors in parks and fish ponds, let the hue be immediately made on their account, and let them be pursued until they are taken and delivered to the sheriff, as has been said concerning the others; and all sheriffs and their bailiffs, constables, men sworn to keep arms, burgesses, freeholders and villeins shall make such pursuit on account of the aforesaid malefactors, that the malefactors may not escape, and so if the evildoers do escape through their neglect, those found guilty of such neglect may have to be heavily punished; they shall be punished by our council in such a way that their punishment may strike fear into others, and remove the

temptation to be neglectful. Now the sheriffs shall keep safe suspected persons whom they receive under arrest, safely, without delay or difficulty, until they may be delivered by the law of the land.

9.

[An example of quarrels arising through infringements of the king's rights in the forest. Letter to the king from Thomas FitzAdam, keeper of the forest of Coillacht in Ireland. 1220. Royal Letters, i., no. lxxii. Ancient Correspondence, iii., 105.]

Know, my lord, that your land of Ireland, by God's grace, is in prosperous condition, but his lordship [the archbishopl of Dublin in no wise suffers your affairs to be as well conducted as would be fitting in your possessions there, and is doing his best to deprive you of your forest in Ireland, as I previously informed you, by divers insufferable attacks upon me, appointed by your command keeper of that forest. . . . Now it happened that in the octave of Epiphany last past, when the justice was touring the forest to enquire more fully concerning your rights in the forest, there came before me certain foresters shamefully beaten and wounded, saying that, as soon as they demand pledges from the men of the archbishop who are cutting down your wood in your forest . . . the men of the archbishop, by his command too, attack them with loud outcry and violence, and forcibly extort their pledges from the foresters, grievously assaulting them. On the same day certain men of the same forest came to direct my attention to a certain evildoer, dwelling in the forest on the land of the archbishop, who for long enough, from the days of my lord your father even until now, had been destroying the forest. . . . When I heard this, I sent my serjeants to seek out that evildoer, and when he was discovered in his house, the serjeants searched the house, to see what they could find there, by which he could best be

attached; and they found his bow with a bloodstained arrow, and the freshly torn antlers of a stag, with the hide and some of the venison. . . . The serjeants brought the evildoer to me with the attachment, and I immediately summoned all the lawful men of a certain township of yours in the same forest and brought before them that evildoer with the attachment. And in their presence I caused the attachment to be enrolled and I cast the evildoer into your prison. Now when my lord the archbishop heard this, he sent the dean of Dublin to me with three priests, and demanded his man quit as taken on the land of the church. But I, feeling that he should not be given up, especially to a priest, unless the archbishop was willing to give security for producing him in your court, refused to hand him over to them. On that very day, the vigil of Epiphany, without delay, he commanded all priests within and without the city of Dublin to suspend [divine service] as long as I was in the town. On the morrow, the feast of Epiphany, two priests came to me and demanded the said evildoer quit on behalf of the archbishop; bidding me on his behalf not to keep [the prisoner] longer, for they would excommunicate me unless I restored him. [In spite of protests, this threat was carried out.] Then, greatly perturbed, I went to the archbishop next day and pointed out to him the injury and shame that would be inflicted upon me so rashly and impulsively. He answered that if I would give up his man he would absolve me, and he said that neither I nor anyone else could take that man or any other upon his land, even in the forest, for, said he, the land was his, the wood was his, the forest was his, the beasts were his. When I learnt from this that he was appropriating all your right as his, I would not give up his man unless he was willing to give security for producing him in your court, or at any rate before your justice when he came to those parts. And he refused that altogether,

and so I could not obtain absolution. And I told the justiciar the reason of the sentence pronounced against me, asking him to inform me of his wishes in the matter. [The justiciar remonstrated without effect, and the archbishop continued to persecute the keeper of the forest.] Now certain persons told the archbishop that he had greatly maligned me, and further that he ought not to excommunicate me by reason of the privilege which you have, it is said, that your chief bailiffs are not to be excommunicated without your permission. And to this the archbishop answered that when he saw that privilege he would believe that we had it, and not before.

[In the end the archbishop made good his claim that the forest was the possession of his see.]

10.

[The king promises to redress local maladministration. Oct., 1258.

Rot. Pat., 42 H. III., m. 1 (French).]

Proclamation by the king to all the people of the county of Rutland.

Whereas we desire and wish that swift justice be done throughout our realm for poor as well as for rich, we wish and command that all the wrongs that have been done in our time in your county, whoever has done them, be shown to four knights whom we have attorned for this, if they have not before been shown to them, and we will amend and redress them as speedily as we can. But if we cannot do this thing as speedily as we would wish and as there is need, both for ourselves and for you, you ought not to marvel, as what has so long gone ill to the damage of both ourselves and you, cannot be amended so soon; but by the first amendments which will be made in the first county to which we shall send our justice and other good men to do this, you can have certain hope that it

will be done to you in like manner as soon as possible. And know that we have made each of our sheriffs swear this oath, that he will serve the king lovally and lovally keep to the best of his power what is written above, that is, that he will do right commonly to all people according to the power which he has of his office, and will not fail for love or hatred, nor for fear of any, nor for any covetousness, to do speedy justice well and quickly to poor as well as rich, and will take nothing from anyone either himself or by another, or by any manner of art or device by occasion of his bailiwick, except only food and drink which it is customary to bring to the tables for one day at most; and that he will have only five horses in the place where he lodges with anyone by occasion of his bailiwick, and that he will lodge with no one who has less than £40 yearly of land, nor in any house of religion which has less than the value of 100 marks yearly in land or rents, and that he will lodge in the said places only once a year or twice at the most, and this only at their invitation and by their good will, and that he shall not draw this into a custom. And if it is agreed that he lodges there, he shall not have any present or other thing worth more than 12d. And of serjeants he shall not have more than is necessary to guard his bailiwick, and he shall take serjeants for whose good faith he can be answerable with certainty, and such that the county shall not be too much aggrieved by their eating and drinking, and all, so long as they are in the exercise of their office, shall not demand or take from any man, clerk or layman, freeman or villein, or any religious house or township, lamb, sheaf, or corn, wool or any manner of moveables, or money or money's worth, as has been the custom heretofore. The sheriff shall make them swear to do this when he puts them in their bailiwick. And he shall not let to farm to any man counties, hundreds, wapentakes, or other bailiwicks of the realm. And sheriffs

and all other manner of bailiffs may be sure that if anyone is indicted of any other kind of prise than is written above, by reason of his bailiwick, he shall abide judgment, the giver as well as the taker, for we have provided by the counsel of our magnates that always for the future full and swift justice shall be done to all without any manner of hire. And for this we command and forbid all persons, male and female, to offer permit or give anything to any of the bailiffs on pain of abiding judgment, for when the sheriff comes at the end of the year on his account, he will be allowed his proper expenses that he has incurred in keeping the king's bailiwick, both for himself and for the hire of his serjeants. And for this we give him of our own because we do not wish that they should have occasion to take anything from anyone else. And we will that none of the bailiffs whom we put in our land, whether sheriff or other, remain in his bailiwick more than a year, and, therefore, we make it known that if harshness or wrong be done by the aforesaid bailiffs, you shall fear them less and expose their wrongs in greater security.

11.

[A question of vital importance in local administration was whether the sheriffs should be appointed by the king or the barons. Henry III. to the men of Cambridge and Huntingdon. October, 1261. Rot. Pat., 45 H. III., m. 3.]

We wonder very much and are disquieted that, as we have already fully understood, certain adversaries of ours assume the custody of these our said counties, and others that of other counties despite our wish and command. And they presume of their own accord to remove our sheriffs and others, our bailiffs, preventing besides anyone in the said counties obtaining his rights through our command and by our authority, committing also other wrongs contrary to the loyalty due to us, to the manifest prejudice

and injury of our crown. And since justice is due from us to you and all men of our realm, we intend to show justice to you and everyone, and preserve the rights of all individuals. We command and ask you by the due loyalty and love by which you are bound to us, by no means to have anything to do with those who presume to take upon themselves without our command and wish our bailiwicks either in the said counties or hundreds or elsewhere, and not to obey them in holding county courts or other things pertaining to our bailiwicks, but to be intendant to our sheriffs to whom we have committed the said counties through our letters patent, and to the other bailiffs appointed by us, in those things pertaining to the said bailiwicks, assisting the same faithfully with all your power. Thus shall we be ever more strongly bound to you and yours in those matters which conduce to your honour and advantage.

E. TOWN GOVERNMENT.

1

[An example of oppression by a town oligarchy. 1247. Chancery Inquisitions, Miscellaneous, File 10 (7). Translated in Calendar of Inquisitions, Miscellaneous (Chancery), vol. i., no. 238, pp. 79-83.]

The complaints of the burgesses of the lesser commune of Oxford against the burgesses magnates.

(1) As often as the king demands tallage from the town of Oxford, by the determination of the said magnates, the lesser burgesses are always tallaged at a rate nearly double or more; whereby unless the king shortly make most stern enquiry, and apply remedy by the council of the kingdom, they will be forced by need and poverty to leave their lands and houses. They bear the burdens of the whole town, in tallages, in presents (in presenciis) and other misfortunes; and though the magnates profess to

take their turn to be tallaged they always remain quit, except three men, so that in four parishes there are not ten men left to bear tallage, they are so destroyed. And that this is true will appear from the following articles.

- (2) In the mayoralty of Geoffrey de Stokewell, 60 marks were collected from the lesser commune by common council of him and the 15 jurats of Oxford in order to obtain from the Papal Court, as is said, the privilege that no layman should be forced to go to law either by a clerk or by a layman without the town of Oxford. This privilege has never been established, and never aided any man; and this is clear, because the said Geoffrey is now bringing an action against certain laymen of Oxford at Hertford which is against the said privilege.
- (3) In the mayoralty of Nicholas de Stokewel, a man of the household of Earl Richard was crossing the High Street in winter, and a man came up carrying a snowball (unam pilam de nive), who struck him therewith so as to put out his eye. The said earl, hearing of this, bade the mayor and bailiffs of Oxford to attack the evildoer and compel him to make amends; and because they would not, the earl caused the merchants of Oxford to be distrained, and their goods to be attached at fairs and markets on every side of Oxford; wherefore the mayor and bailiffs, with the fifteen jurats, gathered 60 marks and more of the lesser commune to satisfy the earl for the wrong done to his man.
- (4) About the same time a man of the household of Sir Aymer (*Heymerus*), the king's brother, was coming one night from the mill under Oxford castle, leading a horse with a sack of flour to make bread for the said Aymer; and when he came into the parish of St. Peter le Baily, certain evildoers assaulted him and beat him so that within three days he died. Thereupon the said Aymer fell into great wrath, for this was in the days of his youth

(in sua novitate), and made the thing known to the king, who bade the mayor and bailiffs attack the evildoers, who straightway after the deed withdrew themselves; wherefore the mayor and bailiffs, with the 15 jurats gathered 30 marks and more of the lesser commune of Oxford, to recompense Sir Aymer for the death of his servant. But when Sir Aymer heard that the money had all been taken from the lesser commune, he was moved with pity, and at the suggestion of the masters of the university, he bade return to each man in full what had been taken from him. But of those 30 marks neither the mayor nor the bailiffs ever made restitution to those who had paid them, but divided them among themselves.

- (5) In the mayoralty of Thomas under the Wall, some of the greater burgesses beat a man of the household of Earl Richard in Oxford, wherefore the earl bade the mayor and bailiffs compel the said evildoers to make recompense; but because the said evildoers were of the magnates, the mayor and bailiffs would not compel them; wherefore the said earl distrained and attached the merchants and their goods at fairs and markets all round Oxford. Then the mayor and bailiffs, with the 15 jurats, gathered . . . and more of the poor to satisfy the said earl of the wrong done to his man.
- (6) It also befell that a knight named Anketin Malure came to Oxford [by the king's command] and laid on the burgesses a tallage of 200 pounds of silver. Half of this was at once gathered from the lesser commune; but when the king demanded the remainder, 60 marks and more was again gathered from the lesser commune.
- (7) In the mayoralty of Nicholas de Stokewel, the mayor and jurats were forbidden by grace of the king to enter the houses of widows to levy tallage on them; but they devised among themselves a certain common tallage on alewives who were the wives of burgesses, so as to rob

the widows of the king's grace granted to them; and from the said alewives and widows they gathered more than thirty marks, whereof not a penny went to the honour or profit of the king, but they divided it all among themselves.

- (8) The said 15 jurats choose bailiffs yearly of their own number; and at the end of the year the mayor makes proof in full court that the said bailiffs are in arrear of 10 or 15 or 20 marks. These sums are then gathered by the mayor and jurats from the lesser commune; but the king gains no honour or profit, for the greater burgesses divide the money among themselves.
- (9) When the said bailiffs declare themselves in arrear of 15 or 20 marks, the mayor and jurats will gather 30 or 40 marks.
- (10) In the mayoralty of Adam Feteplace William de Exemue, clerk, came to Oxford, and caused all the burgesses to meet in the hall of the king's pleas (in aula placitorum ex parte domini regis), in order that an aid might be demanded of them for the king; whereupon the burgesses drew back from the bench to consider what answer they should make; and meanwhile the said William said to those present, "Sirs, I heard a wondrous outcry of late made to the king in his court, that as often as tallages, amercements, or presents are paid to the king or queen or justices, the greater burgesses of Oxford take them wholly from the lesser commune, while they themselves never pay a penny but remain always quit, whereat our lord the king was very angry." Then nearly all the people answered with one voice, "That is very true, and we are ready to say so to our lord the king whenever he will."
- (11) Also the said William de Exemue, on his return to Oxford from London, delivered the tallage rolls to the greater burgesses; and soon afterwards they demanded from the poor persons liable to tallage twice the sums

assessed on them in the said rolls by their peers; but whether this was the doing of Sir William or the burgesses is not known.

- (12) At that time, the town being in the sheriff's hand by order of the king, the mayor and jurats asked leave of the said sheriff to have a gathering of money (collectam) among the poor workmen of the town according to custom; and straightway they caused all the workmen of the said town, great and small, as many as were poor, to come together, giving as a reason, amongst others, that they would in no wise allow them to dwell among them unless they were in their merchant-gild, so that none could escape them, even by making the excuse of poverty, till he had satisfied . . . and so they forced them to enter their said merchant-gild, whether they would or no, which was not lawful for the unfree (servis); wherefore neither that gathering of money, nor others, which are always held every third year, have yielded either honour or profit to the king or queen, but the greater burgesses have always divided the profit among themselves; and so by all manner of device and deceit they bring to nought and destroy the lesser people and the poor.
- (13) In the mayoralty of Adam Feteplace, he and the jurats devised among them an ordinance for the confusion and destruction of the lesser burgesses and the poor, that if any man should act or speak against the said mayor or any of the said jurats in regard to any ordinance or provision by them established, so that the fact could be proved by two or three men, then the body of the man so acting or speaking should be imprisoned, and he should pay a fine of 100s. to the mayor (pro misericordia majoris), and to each of the jurats 40s.
- (14) Also in the time of the said Adam, the greater burgesses made an agreement (composicionem) with the king for 50 marks to have the town in their own hands;

wherefore they gathered over 100*l*. from the lesser commune, but of themselves only three contributed, besides the poor and the lesser burgesses.

- (15) Also in the time of the said Adam the mayor and jurats made provision that no man of the lesser commune should make woollen cloth but of 800 [threads] in width, and the warp derived from the woof (stamen extractum de trama); whereby no poor man who should support himself by this trade is able to get to work at all or to earn a living. The jurats have six looms, besides the king's looms, on which they can make what cloth they like; and no poor man dares gainsay them in these matters; but if any cloth is found in the lesser commune of less than 800 in width, it is confiscated into the hand of the greater burgesses, and he with whom it is found is amerced. Thus through this ordinance most of the lesser commune are driven to beggary.
- (16) Also they made provision that no fishmonger should buy sea fish coming to Oxford in any market within ten leagues from Oxford, nor fresh fish within five leagues, nor until it had been two days in Oxford market; and that no woman should buy butter or cheese or eggs or such wares before noon; and if anyone was convicted in such matters, he should lose the wares, and be amerced (in misericordia remanebit).
- (17) Fishmongers used to have their stalls in the High Street on market days at a yearly charge of 2d., but now they pay half a mark, or 5s., or at least 12d.
- (18) Also they made provision that no cook should dare boil or roast (ut coquat aut hasset) any food outside his door unless first he have given satisfaction with two or three shillings; and poor sellers of bread and beer, though they used to pay 6d. or 12d. at most, must now pay 4s. or 5s.or 12d. at least; which exactions do not prevent the poor of the lesser commune from being in arrear of 10 or

12 marks, as is said, every year, and being tallaged till the full farm of the town is paid to the king.

- (19) Geoffrey de Stokewel stopped up a channel of the Cherwell running into the Thames after the departure of the justices, to the destruction of the poor fishermen, and the damage of the whole town.
- (20) Walter Bolle and Simon de Lundonia, who gainsaid that provision, had each to find sureties for a fine of 100s. (misericordia) before he was released.
- (21) When the town is surveyed (describitur) by order of the king, five or six jurats go through the streets, and cause two or three loyal men of the lesser commune to be called before them in each parish, to assess tallage on their neighbours together with the said jurats; but these poor men are not so hardy as to tallage their neighbours according to their ability, but they are surveyed and plundered as it seems good (licitum est) to the said jurats.
- (22) In the time of Geoffrey de Stokewel because a man of the lesser commune bought half a last of herrings at Abingdon, all his herrings were taken from him and unjustly detained.
- (23) In the time of Adam de Feteplace, the greater burgesses gathered money of the lesser commune, and therewith bought three tuns of wine, and drank thereof in common (supra tallia). At length it was said that one part had more wine than the other part; and they fought, and pulled the hair out of each other's heads; which was neither to the profit nor the honour of our lord the king or his men. Thus the poor are ever destroyed and brought to nought.
- (24) When the king's bailiffs come to Oxford and make inquisition of ordinances and assizes of buying and selling, whether they are kept in accordance with the custom of the realm, 12 of the jurats, to bring the poor under tallage by guile, swear falsely that the said ordinances have not

been kept but broken. For this they make composition with the said bailiffs for 10 or 12 marks, and then tallage the poor of the lesser commune for 20 or 30 marks, and divide the surplus among themselves.

- (25) When a man obtains a writ of right from the king's court concerning any injury done to him in respect of his possessions, and alleges his right either in person or by deputy, in the full court before the 15 jurats, they meet in a secret place, and quash and overthrow the king's writ and the petitioner's claim. This was clear at the last coming of the justices, for many complaints were received before them.
- (26) A man of the lesser commune made a chimney for the smoke to go out of his house, as is the custom of the whole town. Then came Adam Feteplace, because a little smoke came into his house, and wanted to block up the said chimney; and when the poor man tried to argue with him he beat him violently and dangerously wounded his wife on the head. Nevertheless the said poor man was condemned by the jurats to pay the said Adam 5l., which are still unjustly kept from him.
- (27) On the Tuesday before St. Peter's Chair, the lesser burgesses being met at Oxford, at the church of St. Giles the Abbot, to fix their seals to the present document, and to consider the best way of making their complaint, some of the greater burgesses came upon them and attacked them, calling them robbers, and saying that unless they would depart, they should be deprived of all their goods; wherefore they departed, and have not hitherto dared to re-assemble and seal the document.
- (28) On the Friday after St. Matthias, the bailiffs of Oxford came by order of the mayor and jurats to the house of Walter de Middleton [the bearer], of this document, who always held loyally by the poor, and forcibly entered his rooms, and carried away most of his goods, and adjudged

him to forfeit all the liberties of buying and selling whereby he kept his household, and they kept and still keep his goods against gage and pledge; wherefore the said Walter prays for mercy and aid from the king, seeing that unless he obtains it speedily, he will be destroyed, slain, and brought to nought.

(29) All the poor of the lesser commune pray the king for the love of God and the salvation of his soul to make inquisition of the truth of these articles, together with all the men of Oxford, clergy and laity, except those whose names are here endorsed; to command that the said Walter be treated peaceably; and to have the inquisition taken before himself in person lest it should be overthrown by others.

2.

[Internal disputes in London are embittered by the constitutional struggles, Lib. de Ant. Leg. passim.]

[p. 8. anno 1239.] There arose a dissension in the city, because Simon FitzMarie obtained royal letters to admit him as sheriff. But certain magnates, with their mayor William Joymer, would not consent, saying that he had obtained this contrary to their liberties. And because Simon was not then admitted as sheriff, the lord king was moved to anger, wherefore the citizens went to the king's court to obtain the royal grace, and they could not. So they did without a mayor until the feast of St. Hilary, and then Gerard Bat, who remained mayor until the feast of St. Simon and St. Jude, was admitted.

[1240.] In this year Gerard Bat was again elected mayor. Certain citizens went with him to Woodstock to present him, and the lord king would not admit him there before he came to London. When he came there on the third day he admitted him, and when his oath that he would restore all things formerly taken and received and

would not accept £40 which mayors used before to take from the city, had been received, he said as he withdrew, "Alas, my lord, because of this I shall not be able to marry my daughter." For this the king was moved to wrath and intemperately swore on the altar of St. Stephen by St. Edward, and by his own oath that he had made that day on that altar, saying, "You shall not be mayor this year, and as far as I can say, never, only, go." However Gerard did not want the lord king's ill-will, so he gave up the mayoralty, and Reginald of Bruges was made mayor of London.

[p. 19. 1252.] At that time the king confirmed by his new charter to the citizens of London all the liberties, laws and customs, and also those which they had in the time of King Henry I., customary or not, and he granted that £7 sterling a year should be allocated to the sheriffs in their firm for the liberty of St. Paul's church, and that the mayor who used to be presented to the king only, whereever he might be in England, should henceforth be presented to the barons of the Exchequer at Westminster, if the king were not in London when the election of the mayor took place. And it should be known that the citizens then gave the lord king five hundred marks for that charter.

[p. 55. 1262. Mayoralty of Thomas FitzThomas.] That mayor during his mayoralty so pandered to the populace of the city, that they called themselves the "Commune" of the city, and had the first voice in it. For that mayor performed and carried through all the business through them, saying to them, "As you wish, so shall it be done;" and if they said Ya Ya, so was it done. On the other hand, few if any of the aldermen or magnates of the city were consulted, but it was as though they did not exist. The populace was so elated and puffed up with pride by this that in the time of the disturbance of the

realm of which mention has been made above, they made of themselves associations (conventiculas), and were bound together by oath in hundreds and thousands, under colour of keeping the peace, though they were manifestly disturbers of the peace.

[p. 80. 1265.] As many of the city as willingly adhered to the earl of Leicester made raids and other evil things both within and without the city. These were they who had called themselves the "Commune" of the city and had the first voice in it. The magnates of the city who had not been consulted took to flight.

[p. 86. 1265.] On the next day, Ascension Day, then on the feast of St. John before the Latin Gate, the citizens assembled in the Gildhall, and elected William Fitz Richard, and he was sworn to the office of sheriff of Middlesex and warden of the city of London; and on the following day he was presented to the barons of the Exchequer at St. Paul's, and there admitted and sworn.

It should be noted that many of the lower populace on the day of the election gainsaid it, shouting "Nay, nay," and saying, "We will not have any mayor except Thomas FitzThomas, and we want to free from prison him and his comrades who are at Windsor." . . . When the lord king heard these rumours he feared that the populace would rise against the city magnates who were loyal to him, so he sent to London Roger Leyburne. He came to the Gildhall on the next Saturday with a large force of knights and serjeants armed. There a countless number of the populace of the city assembled without being summoned. And Roger commanded on the part of the king that all under suspicion should be taken and attached, so that they should make no league with the lord king's enemies. So on the same day more than twenty were taken without any opposition from the populace.

[p. 150. 1272.] The populace made a great tumult in

the king's palace, so that the noise reached the lord king when he lay in bed grievously sick. Always they shouted, "We are the commune of the city, and to us belongs the election of the mayor, and we want Walter Hervey, whom we have elected to be mayor." Against this the aldermen showed by many reasons that to them belonged the election of the mayor, both because the aldermen are like the heads and the populace like the limbs, and because the aldermen give all the judgments in the pleas raised in the city. But among the populace there are many who have neither lands, rents nor houses in the city, the sons of divers mothers and some of servile condition, and they all care little or nothing for the state of the city.

[p. 153.] Certain malicious men of Belial proposed that as soon as the king was dead they should rise against the aldermen and their supporters, and plunder them of all their goods and chattels to be found in the city, for they thought among themselves that they could do this unpunished while the kingdom was without a king. Here they were wrong, for as soon as the king was dead the kingdom devolved upon his son, the lord Edward, and when all of the realm swore fealty to him, then it was well known that those who had done anything against the peace ought to be heavily punished, just as though his father were alive. However the evildoers were prevented from committing that wrong, because immediately the king was dead, on the morrow of St. Edmund the archbishop's day, the archbishop of York, the earl of Gloucester and many other magnates of the realm of England who were then present, came to the city and had peace towards all, both Jews and Christians, proclaimed. And afterwards they went to the Gildhall, where the aldermen and the aforesaid Walter with a great number of the populace were collected. When they had listened to the quarrel between the aldermen and Walter, and when the aforesaid earl saw how many people supported the aforesaid Walter, he wanted him to be admitted mayor so that the peace of the city should not be disturbed. But the aldermen told him that the matter had been laid down for the judgment of nine men. But the earl thought little of that judgment, and ordered that a folksmote should be held the next day in St. Paul's churchyard, and he to whose election the greater part of the city assented should be mayor.

On the next day the whole city came to St. Paul's churchyard, and the archbishop, the earl, Robert Burnel, Walter of Merton and many other magnates came to St. Paul's. They entered the chapter-house with certain aldermen and counselled them to assent to the election of the aforesaid Walter, so that he should be mayor for one year only, lest worse should happen in the city. When these saw that the magnates wished this, and that nothing else could then be done, they gave their assent. The said Walter was summoned before them and told what had been done. Then by the arrangement of the aforesaid archbishop, earl and other magnates the said Walter took an oath that he would not oppress, nor allow to be oppressed, throughout his mayoralty, anyone who had been against his election. Therefore it was declared at St. Paul's cross by Walter of Merton in the presence of all the people that the aldermen consented that Walter should be mayor for that year.

BOOK III. ECCLESIASTICAL.

A. GENERAL CONDITION OF THE CHURCH.

1.

[An example of clerical protest against undue papal taxation. 1240. The clergy of Berkshire write to the pope during the legation of Otto. 1237-1241. Matthew Paris, Chron. Maj., iv., p. 38.]

The rectors of Berkshire, all and singular, say that they are not bound to contribute against the emperor as against a heretic, since, although he is excommunicated, he has not been condemned nor convicted by the judgment of the Church; nor are they bound in this way for the reason that he is occupying or attacking the patrimony of the Roman Church; for the Church does not use the secular arm except against heretics.

Also, as the Roman Church has its own patrimony whose administration belongs to our lord the pope, so likewise by the generosity and the grant of kings, princes and other faithful magnates, other churches have theirs, which in no way is subject to cess or tribute to the Roman Church; wherefore prelates ought not to be compelled to contribute from the patrimony of their churches.

Also, though by the letter of the law all things are said to belong to the prince, yet they do not in the sense of dominion and proprietorship, but of care and protection; likewise churches belong to the lord pope as regards care and protection and not dominion and proprietorship; whence they say that they ought not to be compelled to contribute.

Also, when the Truth says, "Thou art Peter, and upon this rock will I build my Church," He reserved to Himself the proprietorship, while committing the care, as appears from the words of the Gospel which follow, "Whatsoever thou shalt bind on earth shall be bound in heaven, and whatsoever thou shalt loose, etc." Not "Whatsoever thou shalt exact on earth shall be exacted in heaven"; wherefore they say that according to God and justice they cannot and ought not to be compelled to contribute.

Also, since by the authority of the holy fathers, the revenues of the churches have been devoted to fixed uses, that is, of the church, the ministers and the poor, they ought not to be converted to other uses, save by the authority of the whole Church; wherefore there should be no contribution from the goods of the Church for purposes of making war, especially against Christians.

Also since the issues of the churches scarcely suffice for the daily food of the clergy, partly because of their poverty and partly because there is sometimes famine in the country when the harvest fails, partly because there is such a multitude of poor and strangers, some of whom we have seen die from want of food, partly because no one can hold more than one benefice, wherefore they are the poorer and have scarcely sufficient for themselves and the poor, and they ought not to be compelled to make such contribution.

Also, though it were a good thing to contribute, yet it would be fitting and expedient not to do so on account of the scandal that has already arisen and wafted abroad through the world against the Roman Church; because it is publicly said that exactions of this sort have been made elsewhere, and the clergy enormously impoverished, and that as soon as the money has been exacted and extorted, the pope and emperor have come to an agreement, and not a farthing has been restored, nay, if after the agreement there has

been any remainder and arrears, they have been strictly extorted. And the canon declares that though mortal sin ought not to be committed to avoid scandal, yet sometimes what is good should be let pass to avoid scandal; wherefore we ought not to contribute.

Also, if they were to contribute against the emperor, not only torture of body but peril of death would overhang the apostolic see instead of obtaining justice for travellers and pilgrims from these parts to the Holy Land for the sake of freeing the land; wherefore, etc.

Also an act twice repeated constitutes a custom; wherefore when a contribution of this sort shall have been made elsewhere, if only it be done, it will be changed into a custom; wherefore, etc.

Also, the disinheritance of the prince of England and of the magnates of the land, when the power of the emperor and the weakness and poverty of the realm of England are considered, will obviously threaten from a contribution of this sort, wherefore it is not expedient nor ought we to contribute.

Also, since the king and nobles of England, as well by hereditary right as by good and fitting custom, have the right of the patronage of the churches of England, and the rectors wish to be instituted on their presentation, so they ought not and cannot consent to any contribution without consulting their patrons, for thus might prejudice arise from their own churches, since the same churches are endowed or enriched by the same patrons with lands and revenues specially for this purpose, namely that their rectors should receive guests both rich and poor, and show hospitality both to laity and to clergy, according to their means, as required by the custom of the place; if such an exaction is made from them, it ought to cease, for thus the patrons will be cheated of their right and intention for the purpose of making this donation, and so they will demand

back the gifts, or at all events seek other grievances, and will not again found churches or confer benefices out of their property.

Also, since it is intended to use it against a man who has entered into a treaty with our prince, especially by a marriage, we ought not to contribute against him unadvised.

Also, since they lately elsewhere made a contribution in like case, and the contributors were promised on the authority of this same pope that henceforward no such exaction should be made, and they still feel themselves oppressed by the said burden, they ought not to contribute, because they fear that by frequent contribution they will be drawn into a slavish and unwonted custom, especially since many in divers countries, so far the French for instance, do not consent to the contribution. Nor is it evident or well known that the Church has gained anything by exactions of this kind; would that it had lost nothing by them. Certainly the enemies of the Church are thereby enriched, and go from strength to strength, and it is hard for us to be overcome by our own weapons; wherefore we must not contribute.

Also, since all or almost all are bound by a crusader's vow, for discharging which vows, they receive, either through themselves or through other competent persons, the papal admonition; and they cannot satisfy so hard and useful a matter as this at the same time as this contribution.

Also, since they are protected by the privilege of crusaders, for whom both the proceeds and offerings of their incomes are granted to them in whole for three years, they ought not to contribute to this.

Also, since many are bound through papal letters to reply to them up to the end from the tenth of their own churches, the rights of patronage over which are known to belong to the monks of the Cluniac order, or in which those monks have some temporal or spiritual interest, they ought not to contribute.

Also, since our lord the king of England has everywhere mortal enemies, ready to harm him, as it is said, and the kingdom is destitute of the advice and help of good men, for they are scattered about shortly to proceed abroad, and will carry with them the greatest sums of money; nor would it be safe so greatly to impoverish the churches and kingdom, that there would not suffice to protect the state, the irredeemable extermination of the kingdom would for certain be feared.

Also, since once the clergy of the English nation were richer, when all or the greater part plainly had many benefices without dispensation and never was such an exaction made from them, though through imperial tyrants of that time many popes, most holy fathers, were sent into exile, and suffered the greatest hardships both in themselves and their members and in the resources of the church, we ought not to contribute.

2.

[The wide demands of the Papacy as put forward by Rostand, the papal financial agent, in April, 1256. Annals of Burton, p. 388.]

At length master Rostand published in the presence of the archdeacons from all the bishoprics there assembled, more apostolic letters which he had obtained for many oppressions. Among them were these: that he could decide by ordinary law all causes of crusaders; that he had power to inquire as regards all benefices vacant for such a time because their collation had devolved upon the lord pope; that he wished to have the whole proceeds of their benefices from non-residents for as long as they had been non-resident in their benefices; that the pope wished to have for five years the first fruits of all benefices falling vacant in the meantime. . . .

He had besides a letter of inquiry as regards clergy holding more benefices than allowed by the council, and as regards the validity of dispensations obtained thereupon. The spoils of the inquisition were to go to the pope, so that he might deal with them as he thought best.

Again he shewed apostolic letters by which the lord pope still wished to continue the tenth for two years, to be paid according to the true value of each benefice, and extended, it was believed, for the three years already past. He shewed other letters directed to the archdeacons to exact and collect the same through the kingdom, and, if necessary, to compel them to do so.

Also he shewed other letters by which the aforesaid archdeacons and others who were to labour at this work were to be reputed resident in all their benefices everywhere, and should not be compelled to take further orders than those they had. Finally, he shewed a letter directed to the bishop of Norwich, to the bishop-elect of Salisbury and to master Rostand, that they should compound with the clergy touching the said tenth. In regard to this he formulated a plan which the deans, prelates, regular clergy and archdeacons were to discuss with their chapters and clergy, with a view to returning to London a month after Easter proctors instructed to reply fully or to make a composition, otherwise Rostand would proceed with his threatened exactions.

3.

[The promotion of Italian clergy by the pope was one of the chief grievances of the English clergy. 1259. Annals of Dunstable, p. 214.]

In the same year the dean and chapter of London gave to John de Crackhall, archdeacon of Bedford and then the king's treasurer, a prebend in the Church of St. Paul, London, which was formerly master Rostand's, and was then vacated because he had taken on the religious habit. But afterwards came a certain Roman with letters of the lord pope wonderfully expressed, and he at last obtained his suit and was installed on the first Thursday in Lent. And as soon as he came out of the churchyard with two companions, three unknown youths attacked them, and slew him who had been installed near the gate. One fled as far as Westcheap and was there killed in the presence of a multitude of people; the third fled beyond the bridge and died after his head had been cut off. And this murder was committed about the third hour and no one seized or cried out against the wrongdoers or bewailed the dead.

4.

[Some defects of the English clergy, as set forth by Robert Grosseteste, bishop of Lincoln, in letters to the archdeacons of his diocese in 1244. Letters of Robert Grosseteste (R.S.), no. cvii.]

From a trustworthy source we have heard that very many priests in your archdeaconry, "neither fearing God nor reverencing men," either do not say or corruptly say the canonical hours, and what they do say is said without any devotion or mark of devotion, nay rather they speak with the manifest signs of an undevout mind. Nor do they observe an hour which would be more convenient for their parishioners for hearing divine service, but one which agrees better with their wanton sloth. Moreover they have their concubines. . . . Also, as we have heard, the clergy hold games which they call "miracles," and other games which they call "the Introduction of May." or "Autumn"; and the lay folk "scotales." This can in no way be hid from you, should you prudently and diligently make inquiries thereupon. But there are certain rectors and vicars and priests who are not only too proud

to hear the preaching of the friars of either order, but they maliciously prevent the people, as far as they can, from hearing the preachers or confessing to them. Also, it is said, they admit preachers in search of gain to preach, who preach only the sort of things most suitable for extracting money, though we do not give leave to preach to anyone in search of gain; we only grant that their business may be simply explained through the parish priests.

5.

[An illustration of the arrangements made for providing vicars for churches appropriated to religious houses. 1230. Annals of Dunstable, p. 59.]

In the same year in the month of October, Hugh bishop of Lincoln established and taxed vicarages in the churches which the canons of Dunstable have in their own use, and a diligent inquisition was made as to the value of both churches and vicarages, and as to whether the vicarages could be better provided for.

These are the words of the bishop's record-

"The vicarage of the church of Studham should be provided for out of all the altar offerings of the church, and the croft 'of Vivian,' which contains about 7 acres; saving to the prior one mark and a tithe of the lambs from the said altar offerings. By common estimation the said vicarage is worth 6 marks, and the whole church 20 marks.

"The whole church of Totternhoe is worth 12 marks, but the vicarage 5 marks; this consists of all the altar offerings of the church, and the rent of 12d. from the land of Richard Godwer, and the priest's manse, and half of the tithes of hay of the whole parish.

"The vicarage of the church of Chalgrave is worth 5½ marks; and the whole church 15 marks. The said vicarage subsists on all the altar offerings and the priest's

manse with the garden and the larger croft on the west, which is 4 acres.

"The vicarage of the church of Segenhoe is worth 5½ marks. This consists of all the altar offerings and the manse on the west, but the prior has a tithe of the lambs from the said offerings. But the whole church is worth 15 marks.

"The vicarage of Husborne Crawley is worth 5 marks 4 shillings. This consists of all the altar offerings and the manse with the croft and the meadow on the south. The whole church is worth 12 marks. And it should be known that the prior will undertake obligations such as the entertainment of the archdeacon, the provision of books, vestments, vessels and tallages, for his share. Other burdens the vicar will bear."

6.

[The Friars. The coming of the Franciscans to England. Thomas of Eccleston, De Adventu Fratrum Minorum, chap. i.]

In the year of Our Lord 1224, in the time of the lord pope Honorius, to wit in the same year in which he confirmed the rule of the Blessed Francis... the friars minor first entered England at Dover, being four clerks and five laymen. [Their names and descriptions follow.] These nine crossed to England through the charity of the monks of Fécamp, by whom their needs were cordially supplied, and when they came to Canterbury they remained for two days at the priory of the Holy Trinity. Immediately afterwards four set out for London... but the other five departed to the Priests' Hospital, where they remained until a place should be provided for them. Almost at once there was granted to them a little chamber within the school. There by day they used to remain shut up, but when the scholars had gone home in the evening,

they entered the house in which they had been, and there made themselves a fire, and sat by it. And sometimes when it was time to drink at collation, they put a little pot on the fire with dregs of ale, and dipped a cup into the pot and drank in turn, each speaking some word of edification. And witness has been borne by one who was a companion in this true simplicity and holy poverty, and was worthy to share in it, that their drink was sometimes so thick that when the cups had to be heated they poured in water, and joyfully drank it in that fashion.

[Ibid., chap. ii.]

When the four brothers aforesaid came to London, they went to the friars preachers, by whom they were kindly received. They remained with them fifteen days, eating and drinking what was set before them as though they were inmates of the house. Afterwards they hired for themselves a house on Cornhill, and in it they made cells for themselves, filling up the gaps in the partitions between the cells with grass. They endured in this just simplicity until the following summer, without a chapel, for they had not as yet the privilege of erecting altars and celebrating the divine mysteries in their houses. And immediately before the feast of All Saints . . . brother Richard of Ingeworth and brother Richard of Devon went to Oxford, and there likewise were they received in most brotherly fashion by the friars preachers, and for eight days they took meals in their refectory and lay in their dormitory as though they were brothers of the house. Afterwards they hired a house in St. Ebb's parish, and there they remained without a chapel until the following summer. There sweet Jesus sowed the grain of mustard seed which afterwards became greater than all herbs. Then brother Richard of Ingeworth and brother Richard of Devon went to Northampton and were received in the hospital. Afterwards

they hired a house in St. Giles' parish, where their first warden was brother Peter the Spaniard, who wore an iron corselet next to his flesh and shewed many other signs of perfection. The first warden of Oxford was brother W. of Ashby, though he was still a novice; then was the habit of the profession furnished him. . . . John Travers first received the friars at Cornhill and put a house at their disposal, and a certain Lombard was made lay warden, and he then first learnt letters by night in the church of the Blessed Peter of Cornhill, and afterwards he became Vicar of England. . . .

[De Adventu Fratrum Minorum, chap. iv.]

After this through the growing number of friars and their proved holiness, the devotion of the faithful increased so that they took care to supply adequate places for them. And so a certain site in Canterbury was given them, and Alexander, master of the Priests' Hospital, built them a chapel good enough for a time; and because the friars did not wish to own any property at all, it was made the property of the community of the city. . . .

Robert le Mercer first received the friars in Oxford, and assigned them a house where there entered the order many honourable bachelors and nobles. Afterwards they hired from Richard le Muliner a house in which they are now. Within a year he bestowed the site and the house upon the community of the town for the use of the friars. That site, however, was small and too narrow. In Canterbury, the burgesses of the town first received the friars, assigning them an ancient synagogue next to the prison. But since the neighbourhood of the prison was intolerable to the friars, for the prisoners and the friars had the same entrance, the lord king gave them ten marks to pay a rent which would suffice his exchequer for the rent of the site,

and so the friars built a chapel so very meagre that one carpenter made it in a single day. . . .

[Ibid., chap. vii.]

At first the friars did not even wear sandals, save only the rich or ailing, and even then only by special permission. It happened that brother Walter of Maddeley, of pious memory, found two sandals and wore them when he went to matins. During the service he thought he felt better than usual, but afterwards when he went to bed and was asleep, he dreamed that he had to go through a certain dangerous place between Oxford and Gloucester called "Boys-aliz," which was infested by robbers, and as he went down into a deep valley, they came upon him from all sides shouting "Kill, Kill!" Then he was very terrified and cried out that he was a friar minor. "You lie," they said, "for you go not with bare feet." Then he, thinking his feet were bare as usual, said, "No, but I do go with bare feet," and confidently thrust his foot forward. Then under their very eyes he found that he was wearing the aforesaid sandals. Overcome with confusion he awoke and hurled the sandals into the middle of the cloister garth.

[Ibid., chap. x.]

Brother Robert of Slapton told me that while the friars were in a certain place lent them before they had a site, it seemed to the warden that St. Francis came to the place. When the friars ran up to him and led him to the "solar," he sat down and for a long time looked round him in silence, and as the friars marvelled, the warden said, "Father, of what are you thinking?" And he said to him, "Look around the house," and he looked around, and behold the whole house was of mud and sticks and covered with dirt; and he said to the friars, "So ought the

houses of the friars minor to be." And the guardian took water and washed his feet and kissed the stigmata on his feet.

[Bishop Grosseteste was one of the most enthusiastic supporters of the Franciscan friars. Letter to Pope Gregory IX. 1238. Letters of Robert Grosseteste, no. lviii.]

For they illuminate all our land with the brilliant light of preaching and teaching. Their most holy lives vehemently excite to contempt of the world and voluntary poverty, to maintaining humility even in dignity and power, to showing all obedience to prelates and the head of the Church, to patience in tribulation, to abstinence in the midst of plenty, and, in a word, to the performance of all virtues. Oh! if your holiness could see with what devotion and humility the people run to hear from them the word of life, to confess their sins, to be instructed in rules of living, and what an advance the Church and religion have made by their example, truly you would say that "for them who dwell in the shadow of death has a light arisen." And so let the zeal of your holiness see to it that, having extinguished and obscured so great a light, which thing may the true light avert!, the old darkness of error and sin, already so far put to flight by the rays of their light, may not cover and enshroud a land specially dear to you above others.

8.

[Matthew Paris, himself a Benedictine monk, regarded the friars in a different light. 1235. Matthew Paris, Chron. Maj., iii., p. 332.]

At this time certain of the friars minor and some of the preaching friars, utterly shameless and forgetful of their profession and order, secretly pushed themselves into the domain of some noble monastic communities on the

pretext of fulfilling their office, as though, after preaching they would withdraw on the next day. But on the pretence of sickness or something else they remained, and making an altar out of wood and setting upon it a little, consecrated, stone altar which they had brought with them, they celebrated masses secretly and in a low voice. and received many confessions, to the prejudice of the parish priests. For they said that the pope had given them this power, so that confessions might be made to them by the faithful when they would blush to confess to their own priest, or scorn to do so because the confessors might be in the toils of the same sins, or because they were afraid of confessing to a drunken person. On these the friars minor would enjoin penance and would absolve them. Meanwhile they sent to the Roman court a swift and diligent agent against the religious upon whose lands they were living, and asked for permission to remain there with some added privilege. If by chance they did not think themselves satisfied, they broke out into scandalous words and threats, abusing any order but their own, and asserting that the others were among the damned. And they did not give rest to the soles of their feet until they had exhausted their adversaries' treasures, however great they were. Therefore the religious yielded to them in many matters, giving way to them to avoid scandal and offence to those in power. For there were many counsellors and agents of the magnates, and even secretaries of the pope, only too anxious to obtain secular favour. But some found opponents at the Roman court, checked their ready words, and withdrew in confusion when the pope with an expression of severity said to them, "What is this, my brothers? Whither do you hurry away? Have you not professed voluntary poverty that you might go barefoot and dishonoured into villages and cities and distant places, as need demanded, and might sow the word of God in humility? Do you now presume to usurp to yourselves dwellings on the fiefs of unwilling lords? Already your religion seems to be in a great part dead, and your teaching refuted." Hearing this they went away and began to bear themselves more modestly, though before they had used more and more vainglorious boasts, and they refused to linger and remain within the territory of another against his will.

9.

[Monastic conditions, as illustrated by additional statutes made for Newstead Priory (a house of Augustinian canons), 1259. Register of Walter Giffard, archbishop of York, from 1266 to 1279. Surtees Society, vol. cix., pp. 212-3.]

Considering and taking into account the evil of the time, the prior shall anxiously study to obtain the grace and favour of the patrons of the house, and of others who can be useful or harmful to himself and his monastery.

Guests who shall be honourable people on repairing to the house shall be received, and, as is fitting, let them be welcomed with an appearance of pleasure and joy. The prior shall visit them in person, unless prevented by impotence or some other likely cause, and then for their comfort and reception he shall send as deputy in his name some canon who shall cheer and honour them according to their importance and deserts.

We decree that the prior, as his rule teaches, should study to be loved rather than feared by his convent, and shall foster and preserve charity among the brothers. He shall not presume to order or dispose of the difficult and more important business of the house without the counsel of the elders of the convent.

Lest because of the medicine which the sub-prior is said to supply to certain of the sick, the house be burdened uselessly by their frequent coming, and the duties pertaining to the office of the sub-prior be injuriously neglected, we desire that he shall no longer busy himself with medicines and the care of secular persons, unless by chance he be required in the way of charity by one of the patrons of the house, or their kin, or some honourable person in trouble, and he shall not do so then without the prior's leave, if he be present, or by the counsel of the elders of the house, if the prior be absent.

So that the rule may be better observed among the brethren, we, solemnly appealing to the divine judgment, command that every one shall earnestly study to cry out against any other who transgresses the rule and the statutes, and no one shall omit to do so through fear of losing the favour or incurring the hatred of another, lest he appear from his silence to approve the error of the brother when he ought to resist it.

We entirely forbid excessive drinkings. We decree that if anyone be convicted of drinking after compline or at other forbidden hours, beyond the manner recommended in the rule, for so great guilt he shall be compelled to do penance on the next day by bread and water. If anyone shall wander excessively in the courtyard or outside the gates through fields and groves, for so great an excess of boldness, besides the other penance which must be enjoined by the judgment of the preceding order, he shall receive discipline in the convent. We judge that those who are addicted to forbidden drinkings and excessive wanderings of this sort, should suffer heavier punishment.

Because the condition of the sick is not the same as that of the whole, we order that a special and competent canon be deputed to minister to the sick. He shall say the canonical hours to them, and when there be need he shall celebrate the divine office, and he shall cause necessaries in food and drink to be administered according to the nature of their diseases and the condition of the

persons, and in accordance with the resources of the house.

As to the rendering of accounts, at present we command nothing different from what we found in the statutes of our predecessor.

In order that these statutes be remembered by all, together with the statutes of our predecessor, we command that they shall be read aloud before the convent at least twice a year.

[Visitation of Newstead Priory by the priors of Nostell and Guisborough. July, 1260. Surtees Society, vol. cix., pp. 213-5.]

In the infirmary, for the ministration and relief of the sick, our honest and faithful servant with a boy under him shall be put, and he shall suffice to perform the welcome and set duties for the sick. In addition another canon of the same monastery shall be enjoined by his prior to take in hand the care of the sick according to the rule of the Blessed Augustine, say the canonical hours for them, and celebrate the Mass in their presence.

Also there shall be provided for the sick food suited to their complaints. Also we provide that one of the faithful and diligent among the canons shall by the counsel of the brethren be appointed chamberlain, and he shall receive from the common fund of the monastery a certain sum of money, namely £12 sterling, out of which he shall provide sufficient clothes and shoes for both the prior and the canons, according as he shall judge the need of each, and the lay brethren, so that no one shall be busied with anything for himself, according to our rule. Moreover, the prior shall provide the chamberlain with horses for buying necessaries at fairs when there is an opportunity. Also a prudent and faithful servant, fed and paid by the monastery, and continually resident in the said monastery, shall be placed under him, who shall know how to look after neces-

saries for the said office usefully, and to repair what is under his care in a proper and honest manner.

Also we provide that the canons' dishes shall, in moderation, have more eggs and relishes, namely, that not less than three relishes or three eggs shall be added to the dish of each canon.

Also we provide that no canon shall be allowed to drink anywhere but in the refectory, save in the hall or in the room looking on to the hall, or in the infirmary, and there only by special permission sought and asked of the warden of the order.

Also we provide that when the reading at collation is over the brothers shall go in order to the refectory, and according to the general manner of observing the rule shall drink in common, and so refreshed they shall return in procession to the church to say compline.

Also we provide that certain prudent, discreet and faithful canons be chosen by the counsel of the convent to receive all money due to the said monastery, and distribute it by tallies to the cellarer and other officials according to their needs, and twice, or at least once, in the year they shall render full account of receipts and expenses, both the receiver and the cellarer and the chamberlain, before the prior and elder brothers:

Also we provide that everyone residing within the same monastery shall come together on Sundays before the convent in chapter, so that if anyone of them shall have transgressed publicly in the presence of any of the canons, in his sight or hearing, he shall make full amends in the presence of the convent.

Also we provide that the lay brother who shall have the care of the tannery shall have it under some faithful and prudent canon who has knowledge of all the buying and selling belonging to the said office, and shall be prepared to render account by tallies and rolls completed as regards

this matter, bearing witness to the diligence of the lay brother, and the results of this office, at least once a year, in the presence of the prior and elder brothers.

Also we provide that the lay brother who has charge of the gardener and garden shall exercise this charge likewise under the sub-cellarer, and shall discharge a full account of the issues of the fruits with the same, before the prior and elder brothers at least once a year.

10.

[Provision made for the repairing and upkeep of the church of St. Martin-le-Grand, London. Rot. Pat., 41 Henry III., m. 13 d.]

H. de Wengham, dean of the church of St. Martin, London, notifies to all what was ordained in the chapter of his church held on the Monday [6 June] before the feast of St. Barnabas, 1256.

Considering the deplorable state of the church, and compelled by the special order of the king and patron of his church, the said dean with the assent of the canons ordains that both he himself and every one of the present prebendaries shall bestow the yearly value of their prebends calculated according to the ancient assessment, in aid of their church, so that in the first year one quarter, in the second year the second quarter, in the third year the third quarter, in the fourth year the fourth quarter, and in the case of prebends falling vacant, the value of the whole year after the year of the decease shall be given so long as the church have need. And lest this statute touching vacant prebends shall, under colour of the church's need, be unduly protracted, the said dean thinks fit to name the defects which most displease the king and patron and himself. First, even if we say nothing of the ugliness of the chapel of the glorious Virgin, the place of the same is so strait as not to contain the clergy of the church or even the image of the Virgin, bare, because without a tabernacle, without impediment of light. Secondly, the wooden tower, uncovered all round, rotten and in ruins, threatens them with irreparable peril to their bells. Thirdly, the unfitness of the greater altar, the presbytery and choir which have no ceiling, the nave of the church without solid covering, the cloister in like case, ruinous on two sides, cause fear of greater danger and heavier expenses. Fourthly, and on no account to be omitted, the wretched and unheard-of and odious poverty of the table of the clerks engaged in assiduous labours by day and by night, so that they often faint through want of food and fall sick.

11.

[An example of royal gifts to the Church. Close Rolls, 1242-1247, p. 296.] about, a cloal fur respect on the

Concerning the making of copes.—The king sends a piece of white samite to W. de Haverhull and Edward son of Odo . . . which material the pope sent to the king. And the same W. de Haverhull and Edward are ordered to have made therefrom two choir copes, and they shall cause them to be edged with good borders of gold. And if perchance that material is insufficient, they shall cause it to be lengthened by a wide border, in the same way as Edward proposed to do with that material in which the king's son Edmund was wrapped at his baptism. Also they shall cause those copes to be made with little silver bells beneath, so that the king may have them by the vigil of Easter for mass. And by the time of the king's arrival they shall obtain a piece of red samite, to do with it as the king shall wish; they shall also cause to be made from red samite one suitable chasuble and choir cope for the use of the prior of Thetford, of the king's gift, so that he may have these by the aforesaid vigil.

B. LEARNING AND EDUCATION.

1.

[An example of the educational activities of the mendicant friars in universities and elsewhere. Thomas of Eccleston, De Adventu Fratrum Minorum, chapter xi.]

As that place increased in importance which is the principal centre of studies in England [Oxford] and where the university of scholars is wont to gather, brother Agnellus caused a sufficient school to be built in the friars' house, and begged master Robert Grosseteste of holy memory to lecture there to the brethren. And under him within a short time they made remarkable progress both in argument and in subtle moralities suitable for preaching. And when he, by divine providence, was removed from the master's chair to a bishop's throne, master Peter lectured to the brethren, he who later was promoted to a bishopric in Scotland. To him there succeeded master Roger of Weseam, who was first dean of the church of Lincoln and later was made bishop of Coventry. So too master Thomas Wallensis, when he had lectured to the friars in the same place, was made bishop of St. David's in Wales. Now these lecturers, always remaining friendly to the brethren, spread their deeds and reputation in the various parts. Therefore the reputation of the English friars and their progress in learning became known even in other provinces, so much so that the minister general, brother Elias, sent for brother Philip Wallensis and brother Adam of York to lecture at Lyons. Also brother Albert on his arrival made brother Vincent lecturer at London, and his brother Henry lecturer at Canterbury. And so by degrees lecturers were appointed in various places. . . . And the gift of wisdom flowed so widely in the English province, that before brother William of Nottingham gave up office [1254] there were in England

thirty lecturers who held solemn disputations and three or four who lectured without disputation. . . .

A certain excellent lecturer, who studied with me at Oxford, used often when in the schools, while a master was lecturing or holding a disputation, to attend to other things than the lecture, even compiling works of his own. And behold, when he himself had been made a lecturer, his hearers were so inattentive that, so he said, he would as soon shut his book and go away, as lecture: and filled with remorse he said, "It is by God's just judgment that nobody will listen to me, for I never used to listen to any teacher."

2.

[Roger Bacon's views on experimental science. Extracts from a recently discovered fragment of his writing, published by Mr. A. G. Little, 1912, as part of the Opus Tertium of Roger Bacon (British Soc. of Franciscan Studies, vol. iv.), p. 47 et seqq.]

Lastly, this most noble science lays bare all magic arts, and considers what is possible by nature, what by industry of art, what by man's deceits, what by the workings of spirits, what charms are worth, and prophecies and incantations and conjurations; so that all falsehood may be removed and the truth alone be established, both of art and nature. Wherefore this science takes into consideration all magical knowledge, as the logician considers a sophistical argument in order that he may shun and refute it. So also this science penetrates all magic, for evil cannot be shunned unless it is recognised. And this science condemns all invocations of demons, for not theology only, but philosophy also, warns us to shun these. Every wise man knows that demons, who are bad angels, cannot do good, nor can any dealings with them be for the good of mankind. Therefore no true philosophers have ever concerned themselves with the invocation of demons.

but only magicians, foolish and accursed. And after the acts of demons have been excluded then likewise must be excluded the deceits of men, who make magic in all kinds of ways, by sleights of hand, by cunning instruments, by confederates, by darkness, by various pretences which they make in charms and witchcraft and constellations, with which they colour their sayings and doings. Such men do nothing according to the truth of art and nature, but lead mankind astray; and many a time demons work through the sins of magicians of this sort and of those who believe in them, though the magicians themselves and their adherents do not know that the demons are working their will.

And since this science can lay bare all these frauds, and establish the work of nature and art, and defend truth, therefore it is of the highest dignity. And its dignity surpasses that of other sciences in two respects; in the knowledge of things to come, and of things in the present that are secret, and of the past. . . . Further, the remainder of its dignity is in marvelling at the works of wisdom. Some of those have great beauty of wisdom. If it were not known to the world that a magnet would attract iron this would seem a great miracle. But the experience of the wise has discovered this, and they have also explored many other works of which the populace is ignorant; that not only is iron attracted by the stone, but gold and silver and every metal; and also concerning stone which currit ad acetiem, and concerning plants, and other bodies which have mutual attractions. For the parts of living things when divided will join together again, if they are fitted in due and proper fashion. Since I saw this, there is nothing I could not believe, if it were duly attested even if I could not see the reason for it: for those wise by long experience have reasons and explanations by

which they can prove what they advance. These things are wonderful, and in such things the method of the magician may be distinguished from the method of the philosopher. For the magicians make charms and spells, and attribute the course of nature to the power of these charms and spells, but the philosopher despises charms and spells, and confines himself to the work of nature and art.

By the flash and burning of fire, and by the horror of noises, wonderful things can be done, at any distance which we wish, so that no mortal man can avoid or endure it. A childish example is that noise and fire which are made in various parts of the world by the powder of saltpetre and sulphur and hazelwood charcoal. If this powder is enclosed in a tube of parchment as thick as one's finger, it makes such a noise as greatly vexes the ear, especially of one who does not understand it, and the terrible flash is also very alarming. Now if a tube of great size were made, nobody would be able to bear either the shock of the noise, or the flash; and if the instrument were made of solid substance, then the violence would be far greater.

3.

[The university of Oxford suspends lectures in order to extort further privileges for its members. 1251. Letter from Adam Marsh to the Bishop of Lincoln. Letters of Adam Marsh, no. xxvi., Monumenta Franciscana, i.]

On the Sunday after the Purification of the Blessed Virgin the king and queen came to Oxford. Then because of two clerks imprisoned for their misdeeds the "university" of scholars demanded in the presence of the king that clerks taken and required through the Chancery for some excess or wrong-doing should be freed from the royal prison and handed over to the chancellor. For the king

granted them that this should be done in the case of those delinquencies in which the chancellor, performing the office of the bishop, can shew justice and inflict condign punishment. But in atrocious crimes in which deprivation or degradation is required, he by no means granted that imprisoned clerks would be handed over to anyone save the bishop or his official, or to a substitute appointed for this. Because of this there was still as I wrote a great quarrel and contention between the junior and senior members of the university, the former completely rejecting, the latter highly approving, the aforesaid form of the royal grant. The king delivered the aforesaid two imprisoned clerks entirely at the petition of the scholars, and yet though the masters had already ceased lecturing for many days, the lectures have not yet been resumed.

4.

[Henry III. intervenes to protect scholars at Oxford and Cambridge against extortionate charges for lodgings. Letter to the mayor and bailiffs. 1231. Close Rolls, 1227-1231, p. 586.]

It is well known that a multitude of scholars from many parts both of this country and beyond seas come to our town of Cambridge for study. This is most pleasing and acceptable, since from it there proceeds no small advantage to our whole realm and honour to us. And you especially ought to rejoice and be exceedingly glad, because it is to you personally that the students are directed. But we have heard that when they hire your lodgings, you are so harsh and oppressive to the scholars resident among you, that unless you are more moderate and reasonable towards them in this respect, they will have to leave the town on account of your exactions, abandon their studies and depart from our land. This would be far from our wishes. Therefore we command and earnestly enjoin you, that, when you fix the charges for lodgings according to the custom of

the university, that is, through two masters and two good and lawful men of your town appointed to assess the said lodgings, you shall allow the lodgings to be let according to their estimate. So bear yourselves in this matter that no outcry comes to us because you have acted otherwise, and so that we do not have to take action in the matter.

[Similar letters were sent to Oxford.]

5.

[An example of one of the earliest university colleges. Walter de Merton founds a college called after himself on his manor of Maldon, Surrey. 1264. Ten years later this was transferred to Oxford. Statutes of the Colleges of Oxford, 1853, i., Merton College, pp. 5-6.]

In the name of God, the omnipotent Father, and of the Son, and of the Holy Spirit, in honour of the same Holy and Undivided Trinity and of Mary, most blessed mother of God, and of blessed John the Baptist, Christ's forerunner, and of all the Saints, I Walter de Merton, once chancellor of the illustrious lord Henry, king of England, son of King John, both by the authority granted to me by the said king, my lord, and by reason of the right and power which belong to me in my manors of Maldon and Farleigh and these appurtenances, give, assign, and grant those manors, with all their appurtenances, by whatever name they may be called, for the foundation of a house which I wish to be called and named the House of the Scholars of Merton. Now this house, for the profit of Holy Church, for the health of the soul of my lord the king, and of the souls also of Richard once bishop of Durham, Richard once earl of Gloucester and Hertford, Gilbert his son, William of Whatvill and Peter of Codyngton, and also of the souls of all my relations and benefactors, and by the authority of the venerable father John bishop of Winchester, diocesan, and the consent of his chapter, I set up,

found and establish in the said manor of Maldon, for the perpetual sustenance of twenty scholars living in the schools of Oxford, or elsewhere where a centre of studies may happen to flourish, and for the sustenance of two or three servants of Christ's altar residing in the said house, under the condition and in the manner below written, to be observed for ever, in the bounty of God, with regard to both the scholars and the ministers aforesaid.

Now with regard to the aforesaid scholars I lay down this condition. The succession, that is to say what was due to my heirs according to the custom of the realm in the said manors, I charge, in God's sight, to the eternal profit of Holy Church and of our line, and to the lasting honour of our founder, which I wish and desire to be increased and kept alive in the same line, after the following fashion: the aforesaid scholars shall be of my kindred, as long as honourable and able men who wish to make progress can be found there. And when such persons cannot be found among my kinsfolk, up to the full number stated above, then other honourable and able persons, especially from Winchester diocese, shall be sought in place of those required to make up the aforesaid number.

Now each of these scholars every year shall have at least forty shillings sterling, or fifty shillings, or four marks, if there is sufficient revenue for this; and they shall receive them at the hands of the Warden of the same house annually at suitable dates. Also they shall all live together in one household, so far as is possible without hindrance to their studies, dressed alike, in token of their unity and mutual affection.

The scholars shall have this sustenance fully and entirely so long as they bear themselves well and honourably. But if any of them die, or assume the religious habit, or transfer themselves to the following of other persons, receive more profitable benefices, leave the centre of studies, or refuse to

apply themselves to study according to their ability, or are publicly censured for any baseness, or in any other way behave badly and dishonourably, and this can be sufficiently proved by their companions, then the aforesaid sustenance shall be withdrawn from them, and others of the said line, or others, as explained before, shall freely be substituted for them. And these shall be nominated by the aforesaid scholars under the obligation of their fealty either from the said kindred, so long as able and honourable men can be found there, or from others if such persons cannot be found among the kindred.

If there are any little boys of the kindred aforesaid bereft of their parents, or on account of their parents' poverty lacking sustenance while they are educated in childish rudiments of learning, then the Warden aforesaid, if means suffice, shall cause them to be taught in the aforesaid house till they can proceed to the schools if any are found fit for this. And from those of them who are able and suitable shall be taken persons for the substitution described above.

Now every year, on the feast of the Exaltation of the Holy Cross [14 Sept.] ten or eight of the more advanced and discreet of these scholars shall meet at the aforesaid house on behalf of all, to stay there, if they wish, for eight days, in token of the proprietorship and lordship which belongs to them in virtue of the said sustenance, for the very name of the house comes from them. Also they may enquire diligently, by whatever means they can, whether the Warden of the aforesaid house has borne himself well, honourably, and with prudence in the administration of its goods and possessions; and if the contrary is discovered, they may report it to him to whom the correction of such a matter appertains. Similarly too, and at other times of the year, if there is sinister rumour concerning the said Warden, two or three of the said scholars may make investigation and report as often as they think needful.

6.

[In 1261 a number of students left Cambridge and started a university at Northampton. This was brought to an end in 1265. Letter of Henry III. to the mayor and bailiffs. Rot. Claus., 49 Henry III., m. 10 d.]

By reason of a certain great dispute in the town of Cambridge three years ago no small number of the clerks studying there with one accord left that same town, and went to our town of Northampton, hoping to pursue their studies and build up a new university there. At that time we believed that this would be to the benefit of that town and to our own profit, and therefore agreed to the wishes of the said clerks, on their request. But now, since we hear on the witness of many persons worthy of credence that by such a university, if it were to remain there, no small harm would be done to our town of Oxford, which is of ancient creation, confirmed by our progenitors the kings of England, and commonly approved for its convenience for students; and this we on no account desire, especially as it seems to all the bishops of our land that the removal of the university from that town would be to the honour of God, the profit of the English Church, and the advantage of the students, as we learn from their letters patent; we, on the advice of our magnates, entirely forbid you to allow any university in that our town in future, or any students residing there, except as the custom used to be before the creation of the said university.

7.

[Clergy to whom benefices were given were not always in holy orders or sufficiently educated to have them. An example of the methods used in such cases. Rotuli Hugonis de Welles, episcopi Lincolniensis (Canterbury and York Society), i., pp. 81, 147.]

Hugh of Scawby, clerk, presented by Nigel Costentin to the church of Hanworth, after an enquiry held with regard to that same church by Gilbert de Innocentibus, was not admitted although the business was far advanced, because he was not sufficiently literate; but the charge of the church was given to him from the Thursday next after the Sunday on which Cantate is sung up to Christmas, so that in the meanwhile he might learn letters and practise chanting, and then he might come to be instituted if he were found more suitable in these respects. Afterwards, coming to the bishop on St. Thomas's day, at Stow, he was examined but was not found of sufficient standard in letters. The bishop, however, granted him the charge of the church till the following Easter.

[p. 147.] Hugh of Scawby, clerk, presented . . . to the church of Hanworth . . . was admitted and canonically instituted in person, provided that at the next ordination he should be ordained subdeacon. But on account of his insufficient education, the bishop instructed him, on pain of losing his benefice, to attend the schools. And order was given to J., dean of Wivelinge, to induct him into corporal possession of the said church according to the above form, and to report to the bishop if he did not attend the schools.

8.

[Children of rank did not go to school, but received an education mainly in good manners and the accomplishments suitable to their sex, from a magister or magistra. Such teachers often remained with their charges long after childish days, and were supported and favoured, as the following examples show.]

[(a) Richard, earl of Cornwall's tutor. Royal Letters, i., no. clvi., (Ancient Correspondence, i., 153)].

Peter of Maulay to his very dear friend Hubert de Burgh, justiciar of England, greeting and enduring affection. I ask your kindly intercession on behalf of my beloved and intimate friend, Roger of Acastre, tutor of the king's brother Richard. I beg you earnestly, for love of me and at my supplication, to deign to promote and hear him in

the matter which he will explain to you. Let it also be to his advantage, if it please you, that for a long time he served the king [John], and brought up and educated his son. So act in these matters, at my prayer, that I may be bound to you in much gratitude, and that my request may come to fruition. Farewell.

[(b) Margaret Biset, nurse and governess to Henry III.'s sister Isabel, who became empress of Germany, had other claims on the king's gratitude besides her care of her charge. Matthew Paris, *Historia Anglorum* (R.S.), ii., pp. 380, 413.]

The emperor [Frederick II.] sent for the empress to Worms, after she had been at Cologne for six months, and there married her. . . . And the emperor sent back to England all who had come in her retinue, but the empress kept with her her nurse and governess, Margaret Biset, and one other damsel, an embroideress of London.

Now about that time [three years later, when Margaret had returned to England], a great peril befell the king. On the morrow of the nativity of Blessed Mary a certain man came to the King's court at Woodstock, pretending to be witless. Now in the depth of night, having spied out a window neither closed nor barred with iron, he climbed up to it, carrying a knife with which to slay the king. And he got in, and sought about to find where the king was; but, by God's will, the king had left the place in which he had previously been. Now there was in the bedroom a certain woman, one of the attendants of the queen, a holy and devout damsel, who was reading the psalter, as was her wont, by the light of a candle. When she saw that detestable assassin, seeking to destroy the king, with drawn blade, she cried out with a loud and terrible voice. So the servants were summoned and ran in, and captured that bloodthirsty robber. Now the name of that holy woman was Margaret Biset, and by God's consent she saved the king that night.

BOOK IV. SOCIAL AND ECONOMIC.

A. MANORS AND THEIR MANAGEMENT.

1.

[An enquiry as to waste committed on the lands of John of Vipont while his heirs were minors, by the prior of Carlisle, keeper of those lands. Calendar of Inquisitions, Miscellaneous (Chancery), i., pp. 143-4.]

The walls and houses of Bromham have deteriorated for want of upkeep of the gutters and roof. Also a certain sheepfold of sixty feet has fallen through lack of upkeep, and the timber has been taken away; and a smithy has disappeared for lack of upkeep.

Also concerning waste done in Whinfell by the prior of the vert of 140 oaks in divers loads.

Also from the dry wood there were given away in instalments 102 oaks, and so that wood was wasted by the said prior.

As to the taking of beasts in Whinfell park, in the first year in which Robert was prior 11 beasts [were taken], in the second 16, in the third 14, in the fourth 32; and the park was badly fenced, whereby they understand that the waste was done there by the said prior.

Also they say concerning the manor of King's Meaburn that three houses on the island are broken down, and the remaining houses are badly kept; whereby they understand that the manor has been wasted.

Also 5 villeins have been brought to want by unjust exactions so that they cannot hold their land; and a certain villein named Hugh went away by the licence of the said prior and at his gift.

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Also the hay-meadow (heymungar) and the garden are badly kept.

Also concerning the manor of Merton they say that a certain sheepfold of 80 feet has been alienated, and the park there is destroyed by dogs and snares and for want of enclosure. And the little fishpond of Merton has been destroyed, so that as much as can be caught in a seine has been caught there.

Also they say that the great fishpond there has suffered grievous loss of large fish.

Also they say that in the wood of Flakebridge waste has been committed.

Also two byres have been carried off from the same wood by the said prior; and 11 bulls and 9 cows and 5 wild heifers have been taken from the same wood; so that destruction has been done by the said prior.

Also concerning the manor of Appleby they say that the tower has grievously decayed and the timber is much rotted through the neglect of the prior, who was unwilling to distrain the pledges of the carpenters who should have rebuilt the tower; they took from J. of Vipont 22 marks for the repair of the said tower.

Also the chamber of the knights, which was in need of repair in King John's time, fell down in the time of the prior, and the timber became worthless.

Also of the 50 marks which the queen had assigned for the repair of the castle, not more than £10 were allowed, so they believe.

Also they say that destruction has been done in the wood of Sandford, and 60 oaks of that wood have been wasted in the time of the prior.

Also the said prior removed a certain villein woman from Burton against her will, though she could well hold her land.

Also concerning the manor of Brough, they say that

the tower there has decayed, and the joists are rotten and many houses are coming to nought through the prior's neglect.

And the woods of Yarnfiteskove and Scrumiskove and Carver are badly kept and much decayed through gifts and through new hedges and through byres and through burning of byres after Adam de Slegille had left the forestry of Stanemore.

Also waste has been done in the wood of Ormidall and of Whitebeck.

Also concerning the forest of Carreck, there has been destruction of beasts by foresters, dogs, and shooting, and by the number of byres.

Also concerning the manor of Kirby Stephen they say that two villeins have left on account of poverty through the high farm.

Also that the valley of Mallerstang has greatly deteriorated on account of the number of byres and the shooting of Roger the forester, in particular, and of other bowmen of Lonsdale, and through the neglect of the prior.

Also encroachments have been made in many places within the forest on the borders of the forest, by permission of the prior, in his time.

2.

[Letters from a steward to his lord. Royal Letters, i., ccxliii. ccccx., and ccccxi. Ancient Correspondence, vi., 134, 144, 149).]

(a)

Simon de Senlis to Ralph bishop of Chichester, 1226.

Know, my lord, that William de St. John is not in Sussex, wherefore I cannot at present carry through the business which you enjoined upon me, but as soon as he comes into Sussex, I will work as hard as I can to dispatch and complete it in accordance with your honour. I send to you 85 ells of cloth bought for distribution for the use

of the poor. As regards the old wine which is in your cellar at Chichester, I cannot sell to your advantage because of the over great abundance of new wine in the town of Chichester. Further, my lord, know that a certain burgess of Chichester holds one croft which belongs to the garden given to you by our lord the king, for which he pays two shillings a year, which the sheriff of Sussex demands from him. Wherefore, since the land belongs to the said garden, and was removed from it in ancient times, please give me your advice about the said rent. I am having marling properly done in your manor of Selsey, and by this time 5 acres have been marled. Please tell me your wishes in these and other matters, since I shall show myself watchful and intent with all my powers in the management and execution of your affairs.

Farewell, your excellency, ever in the Lord.

(b)

[The same to the same, between 1226 and 1243.]

On the Monday before Michaelmas I received at Bueause your letters in which you first told me to make an inquisition into the lands of John de Nevill. Immediately after receiving them I sent to have an inquisition made in accordance with your command, since I had not then time to take it in my own person, as your official and I were busily employed in hearing the accounts of your manors. But as soon as the inquisition shall have been made as to the land of the said John, which will be shortly, I will send you that inquisition clearly and distinctly written. Brother de Valle Dei I am keeping in Sussex to hear the account, since I have proposed to keep in your hands the sheep in your manors, and therefore I keep the brother so that through him wiser and more advantageous provision may be made about the sheep. Further, my lord, know that when the account of Roger of Hertford is heard. I

shall commit, if you please, the custody of your manor of Bishopstone to Henry the serjeant of Burn [Eastbourne], especially on account of the sheep which I keep in your hands, seeing that I believe the said Henry will devote himself well and ably to the matter; and also the manor of Bourne [Eastbourne], if you please, could be easily administered together with the manor of Bishopstone, and more easily than Bourne and Bexhill because of the crossing at Pevensey. Then someone else can keep the manor of Bexhill without the need of a horse. Richard, whom Thomas of Cirencester sent to you, I have committed the keeping of the manor of Preston, since, as I think, he understands the care of sheep, and I will see that your woods at Chichester are meanwhile well treated, by the grace of God, and are brought to their proper state; also I wish your excellency to know that master R. your official and I shall be at Aldingbourne on the Sunday after St. Faith's day, there to make the division between my lord of Canterbury and you. And, if it please you, your long cart can easily come to Aldingbourne on that day, so that I can send to you in London, should you so wish, the game taken in your parks and other things, and also the cloth bought for the use of the poor, as much as you wish, and of which I bought 300 ells at Winchester Fair. For at present I cannot send these by your little carts on the manors because sowing time is at hand. Among other things know that the crops in your manors have been harvested safely and profitably and to your advantage, and placed in your granges. All your other affairs go well, thank God, and are duly administered, and to this end I diligently work to my utmost power. As soon as your official and I have gone through your manors to hear the accounts, we will come to you wherever you please. Farewell, your excellency, ever in the Lord.

(c)

Know, dearest lord, that I have been in London, where I laboured with all my might and took care that you should there have . . . wood for burning, brewing and repairs. Thanks be to God, all your affairs, both at "West Mulne" and elsewhere, go duly and prosperously. Also I have taken care that you should have what I judge to be a sufficient quantity of lambs' wool, for your household against the winter. . . . Speak also with Robert of Lexington about having beef for your larder in London. . . . If you think it wise, my lord, I beg that part of the old corn from West Mulne shall be ground and sent to London against your coming. . . . I send to the feet of your holiness my brother Simon, as you bade me. Farewell, your holiness, ever in the Lord.

3.

[Villein Services. 1224. Bracton's Note Book, iii., Case 1005.]

The abbot of Battle demands through his attorney that William son of Andrew should perform for him the customs and services due which ought to be performed for him from his tenement which he holds of him in villeinage. The said abbot says that William is his villein, but he denies the customs and the villeinage. The abbot is prepared to prove that he is a villein, and that Andrew his father was a villein and was the abbot's reeve all his life long.

And William came and made many defaults and so is in mercy. And he denies the villeinage, and says that he is a free man and holds freely, etc., and he offers to submit this to the countryside.

And the abbot says that he is a villein and produces a certain John, cousin to William, and he says that Aylard his grandfather had two sons, namely Alfric his firstborn and Alfred the younger. The said Alfred was father of the

said John, and Alfric was father of Andrew, father of the said William, and he acknowledges that he is a villein of the said abbot, and that Aylard his grandfather was a villein and his son likewise.

And William says that he is free, and since John supposes himself to be as he does, he does not acknowledge that he is his cousin, but he knows well that he owes to the said abbot this service from one virgate of land which he holds, namely of paying every year five shillings quarterly and on St. Martin's day six leaps of corn, according to the measure of King Henry's time, and with the other men of the same will he ought every day to find a man after breakfast to hoe the abbot's corn as long as necessary, and all will have in common one acre of corn of the better corn except "havedland" and "campestis," and for three days before noon he shall find one scythe in his lord's meadow, and he shall have for his dinner bread and cheese and his share of one ram or of sixpence according to the abbot's choice, and of one cheese and of twopence and of a half pennyworth of salt. When the meadow is cut, for which he shall find help, he shall have a loaf of bread, and in the autumn every day he shall reap half an acre, and from that he shall have one sheaf when he goes, and at the bead-reaping 3 he shall find four men, and William himself shall be the fifth in going or riding, and on that day he shall eat twice with his whole family and shall carry for one day with his own cart, eating three times, or twice if he has one sheaf, and for two days he shall plough at the boon ploughing and do one acre of the yearly ploughing, for which acre his own beasts shall go into his lord's pasture, and he shall find one man to collect straw for one day before noon, for which service his own family shall go and have a share of the

¹ A leap = half a bushel. ² Names of fields.

³ Reaping done at the lord's request.

lord's straw, etc. And he says that he owes no other customary services.

And the abbot says that all those customs the said William owes and more, because he is at the beck and call of the abbot, and he ought and is wont to render those customs with corn, or to double the same customs without corn, to wit, when he acknowledges one man, he ought to find two, and the same for all the others; and besides he cannot marry his son or daughter without the abbot's leave, and he can tallage him when he tallages the other men of the same vill, and also if he does not give corn, he must fold his sheep on his lord's land, and he offers to prove as the court shall think fit that he owes such customs.

And William denies this, and acknowledges well that Alfric was his grandfather and father of the said Alfred, but he denies the villeinage as before. And when asked if he had ever given any aid with the men of the said vill, he says not, but he and one other free man of the same vill occasionally gave an aid of their own free-will and not by law, and that his father sometimes gave an aid, and that John has the land which was Aylard's.

And because the said William acknowledges that all the men of the said vill are villeins save one, and acknowledges that he joins with them in all the said works and likewise as regards taking things with the same, and acknowledges besides that Alfric was his grandfather and that the said John has the land which was Aylard's and that he was the younger, nor has he any proof of his free condition, nor does he call in question anything, it is considered that the abbot has proved those customs, and William is a villein and in mercy.

¹ So called "borough English" custom is treated as a mark of villeinage.

B. TRADE AND TOWN-LIFE.

1.

[Foreign trade. 1269. Lib. de Ant. Leg., p. 126.]

About the time of the feast of St. Giles the countess of Flanders seized all goods found in Flanders belonging to merchants of England, Wales or Ireland, and also of Gascony, because of a certain annual payment which she demanded of the lord king of England. Indeed that payment was many years in arrear as she said. Forthwith she sold the said goods and took the money for them for her own use and turned all the said merchants out of her land. Wherefore as soon as the lord Edward, who was still in France on his way to the Holy Land, heard the rumours of the loss and cruelty inflicted by the countess upon his own and his father's men, he wrote to the lord king his father, to the queen, to the lord king of Germany and to all the council of the king and realm to oppress the said countess and her men in whatever ways they could, with a view to the full restitution of all the said goods taken from the said merchants, and to complete satisfaction for the injuries committed against the lord king and his men.

Then a council was held by the command of the lord king, and all goods belonging to Flemish merchants were seized and arrested. These, however, were few, because they had been warned beforehand by the countess, and had taken nearly all their goods out of the kingdom. And at the same time the lord king's writ was sent to London and to all seaports forbidding anyone either native or alien to take any wool out of the kingdom beyond seas. This went on until the parliament held at Westminster after the feast of the Translation of St. Edward, when it was provided and arranged that all merchants, save those of Flanders, could take wool out of the kingdom whithersoever they wished, except to Flanders. Then through the

king's command all merchants who were in London collected at Westminster before his council, and there they all swore that they would not take any wool to Flanders nor have anything to do with the Flemish, nor sell them any wool. And should anyone dare to go against this, all his goods coming into England should fall into the hands of the lord king, and he himself should be imprisoned. But if any such should absent himself and not come into England, then any fellow-countryman of his who came into England should bear the aforesaid penalty for him.

And it should be known that the chattels which the aforesaid countess took, were valued at more than forty thousand marks sterling.

2.

[Foreign merchants were beginning to compete with the Jews in financial business in England. The money-lenders from Cahors in France were particularly disliked at this time. Matthew Paris, Chron. Maj., iii., p. 328.]

[1235.] In those days the abominable plague of the merchants of Cahors grew so great that there was hardly anyone in all England, especially among the prelates, who was not entangled in their nets. Even the king himself was indebted to them to an incalculable amount. For they took advantage of the necessities of the poor, cloaking their usury under the form of trade, and pretending that they did not know that whatever is added to the principal is usury by whatever name it is known. For it is obvious that their accommodations had nothing to do with charity, since they did not stretch out a helping hand to the needy to their advantage but to their disadvantage; not to succour another in his need, but to feed their own avarice.

[Grosseteste's complaints. 1253. Ibid., v., p. 450.]

The merchants of Cahors are obviously usurers, and they have been driven out of France by holy fathers and

ontex.

teachers whom we ourselves have seen and known. . . . In spite of this the pope has favoured and protected them in their high place; and any man who speaks against them is wearied by lost labour. . . The whole world knows that usury is held in detestation in the Old and New Testament and is forbidden by God. Yet now the merchants or money changers of the pope publicly practise usury in London to the disgust of the Jews. . . . They make many grievous plots against men of Holy Church and especially the Religious, forcing men to lie because of their need and to sign false deeds. . . . For example, I borrow a hundred marks for a hundred pounds, and I am compelled to execute and sign a deed by which I confess that I have been lent £100 which I will repay at the end of the year. And if, perhaps, you pay the papal usurer the principal of the money which you now have, within a month or less, he will not take it unless you pay the whole £100. This is worse than the conditions imposed by a Jew, for he will courteously receive the principal whenever you return it, with only as much interest as is due for the time for which vou have had it.

3.

[Examples of trading privileges and monopolies granted to towns.]
[(a) Grant by John the Scot, earl of Chester. Gross, The Gild

Merchant, ii., p. 40.]

Know that I have granted and by this my present charter have confirmed to all my citizens of Chester that no merchant shall sell or buy any kind of merchandise which shall come to the city of Chester by sea or land, saving my citizens of Chester and their heirs or by their permission, except at the fixed fairs, namely in the Nativity of St John the Baptist and at the feast of St. Michael.

. . Also I have granted and by this present charter confirmed to my said citizens of Chester their gild merchant to have and to hold as freely, quietly and honourably as

they had it in the time of my uncle Ranulf earl of Chester and Lincoln.

[(b) Grant by Robert Grosseteste to the burgesses of Newark. 1235. Rotuli Roberti Grosseteste (Canterbury and York Society), ii. p. 135.]

To all the lieges of Christ, etc., Robert, by God's grace bishop of Lincoln, greeting in the Lord. Know all of you that we, as far as in us lies, have granted to our beloved in Christ our burgesses of Newark that no stranger shall sell cloth by tally in the same our town of Newark, except those among whom and in whose towns our said burgesses may sell their cloth by tally. In witness of which grant we have conceded these our letters patent. Given at Lincoln on the calends of April in the first year of our pontificate.

C. SOCIAL LIFE AND MANNERS.

Ŧ.

[Instructions for building at Winchester. 1239. Liberate Roll, 13, m. 8.]

The king to the guardians of the bishopric of Winchester, greeting. We bid you to cause to be made a house of fir running on six wheels, and have it roofed with lead. And cause the porch of the queen's chapel in our castle at Winchester to be wainscoted and likewise the long passage from the same chapel to our chamber there; and likewise cause to be wainscoted the passage between our chamber and the chapel of Blessed Thomas there. And cause a wall and a gate to be made before the doors of our kitchens there, and a herb-garden, and a wall on the side of our hall there, towards the south-and cause our well in the same castle to be repaired likewise, and four statues to be bought for the porch of the said hall, and a map of the world to be painted in the hall, and the glass windows of the hall, chapel and chambers to be repaired where necessary. And cause a cellar to be made under

the chamber of our queen, and hoardings by the wall within the court from the queen's chapel to the door of the hall, and the wall of the great tower to be roofed with lead.

2.

[Examples of the internal decoration of buildings in Henry III.'s time. Ibid., 10, m. 10, 13, m. 8, 14, m. 20.]

Order is given to the keeper of the king's houses at Woodstock that in the king's round chapel of Woodstock he shall cause to be painted in good colours God's Majesty and the four Evangelists and the figure of St. Edmund on one side and of St. Edward on the other; and he shall cause two new glass windows to be made there.

The king to the treasurer and chamberlains, greeting. Deliver from our treasury to Edward, son of Odo, 25 marks and 4d., for pure gold bought at our command, weighing 30s. 4d. to make two statues to be offered at the shrine of St. Edward. And to the same Edward 54s. 6d. for precious stones bought for the same statues and for his work on them. And to the same Edward 24s. 3d. for silver gilt bought and placed about them, and for work on that silver. And to the same 67s. 1d. for a silver candlestick bought and offered there, weighing 55s. 7d., with the gold work thereon. And to the same 12s. 3d. for a certain banner offered there. . . . And to the same 114 marks for a silk cloth bought and offered there at our command, made from two baudekins and one gold cloth. . . . And to the same 110s. $7\frac{1}{2}d$. for 201 quarters of wax and the work on 500 candles made therefrom, offered there at the purification of our queen. And to the same £12 3s. $8\frac{1}{2}d$. for paintings done in our queen's chamber there from the Sunday [26 June] next after the Nativity of St. John the Baptist to the feast of St. Peter ad Vincula [1 August].

¹ After the birth of her son Edward.

And to the same £7 19s. $0\frac{1}{2}d$. for work done in the legate's lodging at London during the same period. And £99 5s. for work done at Westminster during the same period. And to the same £7 1s. for 300 [pounds] of wax sent to Canterbury against the feast of the Translation of St. Thomas the Martyr.

Command is given to Edward son of Odo, keeper of our works at Westminster, that he shall cause the fireplace in the queen's chamber there to be made higher, and shall cause it to be painted. And he shall cause to be painted and portrayed on the said fireplace a figure of Winter, made the more like Winter by its sad countenance and other miserable attitudes (protractionibus) of the body.

3.

[The Lenten diet of fish, strictly observed, became monotonous. Close Rolls, 1234-1237, p. 420.]

As to sending lampreys to the king. Order is given to the sheriff of Gloucester that since after lampreys all fish seem insipid to both the king and the queen, the sheriff shall procure by purchase or otherwise as many lampreys as possible in his bailiwick, place them in bread and jelly, and send them to the king while he is at a distance from those parts by John of Sandon, the king's cook, who is being sent to him. When the king comes nearer, he shall send them to him fresh. And the king will make good any expense to which the sheriff may be put in this connection when he comes to those parts. Witness the king at Canterbury on the fourth day of March.

4.

[Henry III. kept soveral wild animals. Louis IX. of France presented him with an elephant, and the following extracts show that he had a lion. Liberate Roll, 14, m. 16.]

The king to the sheriffs of London, greeting. We bid you to find necessaries for our lion and his keeper while they are in the Tower of London, and this shall be reckoned to you at the Exchequer.

The king to the same, greeting. We bid you to cause William, keeper of our lion, to have 14s. which he spent on buying chains and other things for the use of the same lion, and this shall be reckoned to you at the Exchequer.

5.

[A week's expenses for the household of Eleanor, wife of Simon de Montfort, at Odiham and Porchester. May, 1265. Manners and Household Expenses, ed. B. Botfield, pp. 41-4.]

On Sunday, for the Countess, and lord Simon de Montfort and the aforesaid persons [of her household]; bread, $1\frac{1}{2}$ quarters; wine, 4 sextaries; beer, already reckoned. *Kitchen*. Sheep from Everley, 6, also for 1 ox and 3 calves and 8 lbs. of fat 12s. 2d.; 6 dozen fowls, 3s.; also eggs, 20d., flour, 6d. Bread for the kitchen, 3d. Geese, 10, already reckoned. *Marshalcy*. Hay for 50 horses. Oats, 3 quarters and a half.

Sum 17s. 7d.

For the poor, for 15 days, 1 quarter 1 bushel [of bread]. Beer, 34 gallons. Also for the hounds for 15 days, 5 quarters 5 bushels [of bread]. Also for the poor, on Sunday 120 herrings. Paid for preparing 27 quarters of malt wheat from grain at Odiham, 2s. 3d. Also for the laundry from Christmas, 15d. Also for yeast, $6\frac{1}{2}d$. For the carriage of 3 pipes of wine from Staines to Odiham by Seman, 13s. 6d.: and that wine came from the Earl's household at London.

Sum 17s. $6\frac{1}{2}d$.

On the following Monday, for the Countess and the aforesaid persons, dining at Odiham and leaving late for Porchester, bread, 1 quarter 2 bushels of grain; wine, $4\frac{1}{2}$ sextaries; beer already reckoned. *Kitchen*. Meat, already reckoned, eggs, 15d., fowls already reckoned. *Marshaley*.

Smithy, 2d. For one horse placed at the disposal of Dobbe the Parker to guide the Countess, 10d.

Sum 27d.

Tuesday and Wednesday, the household was paid for by lord Simon de Montfort [probably the younger Simon, Eleanor's second son] at Porchester.

On the Thursday following, for the Countess, at Porchester, R. de Bruce and A. de Montfort being present, with their household, and lord Simon's servants, and the garrison of the castle; bread bought, 8s., and also ½ a quarter received from a servant from Chawton; wine, from stock. Kitchen. Meat bought, 2s. 5d., 6 sheep from a servant from Chawton, and 1 cured hog from the stock of the castle. Eggs, 400, 18d. Salt, 3½d. Marshaley. Hay for 45 horses, of which the Countess had 24, the lord Simon and his household 9, Amaury 8, the parson of Kemsing 3, from the castle stock. Oats, 1 quarter received from the servant from Chawton and 2 quarters bought, 5s. Food for the fowls (pullagium) 14d.

Sum, 18s. $4\frac{1}{2}d$.

On the Friday following, for the Countess and the aforesaid persons, bread 6s. 2d., bought, and also 1 quarter from Chawton. Wine from stock, 8 sextaries good and $10\frac{1}{2}$ sextaries of another sort. *Kitchen*. Mackerel, 21d. Fat, 8d. Mullet and bar, 15d. Flounders, 7d. Eggs, 9d. Meal 13d. Earthen pots, 3d. Salt, $3\frac{1}{2}d$. Capers, $3\frac{1}{2}d$. Marshaley. Hay for 48 horses, of which the lord Simon had 12, 12d. Oats, 3 qrs. 1 bushel, of which 1 quarter was bought, and cost 2s. 6d. For gathering grass for 3 nights, 2d.

Sum, 16s. 9d.

On the Saturday following, for the Countess and the aforesaid persons, J. de Katerington, and others; bread, 1½ quarters, from the servant from Chawton; wine.

16 sextaries, of which 9 were of good wine. Pots and cups, $6\frac{1}{2}d$. Kitchen. Fish, 4s. 7d., eggs, 2s. 4d., cheese for tarts, 10d. For 4 mortars bought, 17d. For vinegar and mustard, 5d. Porterage, 5d. Marshalcy. Grass, bought in bulk, 13s. 1d. Oats for 52 horses, of which the lord Simon had 12, $2\frac{1}{2}$ quarters, from the servant from Chawton. For carrying two cartloads of grass, $7\frac{1}{2}d$.

Sum, 24s. 3½d.

6.

[Everyday life illustrated by extracts from the Chancery Inquisitions, Criminal and Miscellaneous.]

(a)

[Return of writ to the sheriff of Derby, 21 August, 33 H. III. C. Inq. Crim., File 1 (7).]

To his most excellent lord Henry by the grace of God illustrious king of England, lord of Ireland, duke of Normandy and Aquitaine and count of Anjou, greeting from his humble and devoted sheriff of Derby. As we serve you faithfully in everything, may your excellency know that according to your mandate I have diligently made an inquisition into the death of Robert son of Henry de Bretteby, as appears in the writ which I send thence to you, by the oath of good and legal men, namely . . . who say on their oath that Henry son of William de Bretteby killed his son Robert by misfortune and not by felony, and the misfortune was as follows. Henry was ploughing in the field of Bretteby on Friday the morrow of St. Mary Magdalene and his son Robert was driving the plough. Henry whirled the staff of the plough violently round to frighten the oxen and horses. The iron of the staff being slightly fastened came off and struck Robert on the back of the head, so that he died of that wound, as the jury believes, on the Tuesday following. They say

also that they know for a truth that Henry would rather have killed himself than his son because he had no other.1

(b)

[Inquisition taken at Worpath, Tuesday St. Gregory's day, 53 H. III., to inquire by a jury of Northumberland whether Hugh Galun killed Margery daughter of Roger de Thyrewhyt feloniously or by misadventure. C. Inq. Misc., File 15 (25).]

On Monday before St. Luke, 52 Henry III., Margery, who was in the service of Hugh at Thyrwhyt, had been baking oat-cake on a griddle (panem avenosum super craticulum qui vocatur "cakes"); and there came a calf of Hugh's which had a habit of stealing and eating oat-cake, and tried to get some. Hugh, who was in the house, took up some tongs and threw them at the calf, which was between him and Margery. The tongs hit the calf on the back, and then went over its back and struck and wounded Margery on the head. She survived ten days, received the sacraments and then died. There was no quarrel between Hugh and Margery, nor did he intend to hit anyone but the calf. Hugh killed Margery by the greatest misadventure, and not feloniously nor of malice aforethought.

(c)

[Inquisition by W. de Wenling, escheator, and Sir Peter de Goudington, coroner of Hertfordshire, into the treatment of the men of Flems ed by Isabel de Tony. Thursday after the Purification, 49 Henry III. Ibid., File 12 (7).]

Ralph de Tony, grandfather of Ralph de Tony, father of the Roger now dead, never took tallage of his men of Flemsted, nor did any before him. To him succeeded Roger his son, a gallant knight (miles strenuus), who went to war; and sometimes when he had lost his horses and was poor, he sought an aid of his men of Flemsted, and they of their own will and without distraint did what they would, but this did not happen three times in ten years.

¹ Pardon, 9 September, 1249. Cal. Pat. Rolls, p. 47.

After him came Ralph de Thony, father of the Roger now dead, and did likewise in everything.

After his death succeeded Roger, who was under age, and for fifteen years a ward of the queen, but the queen never asked for an aid. And when the said Roger came of age and received his lands, they were without stock, and he sought an aid to sow them from his men of Flemsted. They gave him wheat, oats, vetches, and pease, some more, some less, each according to his own will and without force. But the third year after came the said Roger after Michaelmas and his stewards with him, and valued the corn which his men had given him at his first coming at 100 shillings, and sought a hundred shillings from them, and they wrung it from them by force and oppression and distraint against their wills, which never happened before. And afterwards some years they took 100 shillings in that way, and some years not.

The men of Flemsted never paid fines on the marriage context of their daughters in the time of their former lords, nor were they bound so to do till this later Roger wrung the money from them against right and custom.

Also they have been damaged by the said Isabel since she has had the manor to the value of £4 8 shillings and more; and she demands of them more customs and services than they ought or have been used to do, whereby they are much impoverished.

(d)

[Inquisition held before A. de Nustede, sheriff of Gloucester, on St. Augustine's day, 1253, to inquire what sort of houses were built on the place which King John gave to Gwibert de Rue in Gloucester, and the extent and value of the same. Ibid., File 8 (5).]

The houses built on the said place are made of boards and plaster and covered with tiles. They have one small hall, one chamber and a kitchen. The ground is 33 rods

long less a quarter, of which 16 rods have been built over, and it is 12 rods broad. The houses are worth a mark a year saving the rent of 13d. payable yearly to the king. The land is in East Street within the gate.

(e)

[Inquisition to enquire whether William Selisaule, now imprisoned at York, killed Adam de Auwerne through mischance or malice. September, 52 Henry III. C. Inq. Misc., File 15 (12).]

A certain stranger being newly married was taking his wife and others who were with her to one end of the town of Byrun, when William Selisaule asked for a ball, which it is the custom to give, and they, having no ball, gave him a pair of gloves for a pledge. Afterwards other men of Byrun asked for a ball, and they said they would not give one because they had already given a pledge for one, and the men of Byrun would not believe them, but still asked for the said ball. So there arose a dispute, and the wedding-party being slightly drunk, assaulted the men of Byrun with axes and bows and arrows, and wounded very many of them. When the said William heard the noise, he thought it was for the ball for which he had a pledge, and he ran with a stick to quiet the dispute. When he had come near, one William son of Ralph de Rotil drew an arrow at him and hit him in the breast, so that he thought he had got his death. As the said William son of Ralph, not yet content, was meaning to shoot at him again, he saw that he could only escape the arrow by hitting him back, so as to hinder his drawing. So he ran up to the said William son of Ralph to hit him on the arm, but by mischance hit the said Adam, who unwittingly came between them, so that he died. Thus the said William Selisaule killed the said Adam by mischance and not of malice prepense.

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